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Northern Ireland Assembly

Tuesday 24 February 2015

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

Members observed two minutes' silence.

Executive Committee Business

Local Government (Standing Orders) Regulations (Northern Ireland) 2015

Mr Speaker: As a valid petition of concern was presented on Monday 23 February in relation to the motion, the vote will be on a cross-community basis.

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

That the draft Local Government (Standing Orders) Regulations (Northern Ireland) 2015 be approved.

Go raibh maith agat, a Cheann Comhairle. The regulations are being made under section 38 of the Local Government Act (Northern Ireland) 2014. Section 127(3) of the Act provides that the draft regulations must be laid before and approved by a resolution of the Assembly.

I remind the House that the principles set out in the regulations are already enshrined in primary legislation. The House voted for call-in and qualified majority voting (QMV) as part of the Local Government Act 2014. Furthermore, the regulations were widely consulted on and passed through the Committee without challenge. I find it difficult, therefore, to understand why a petition of concern has been tabled at this very late stage and look forward to hearing an explanation.

The purpose of the regulations is to prescribe provisions for the governance arrangements of a council that must be incorporated by a council in the standing orders it makes for the regulation of its proceedings and business: in other words, the specification of mandatory standing orders. These add to the governance provisions in the 2014 Act.

The specification of certain mandatory standing orders for the transaction of council business

will ensure that a consistent approach to the relevant matters is adopted across all 11 new councils. Whilst each council is a locally elected body answerable to its electorate, it is elected to represent all the people who reside in the relevant local government district.

The Assembly, when it agreed many of the provisions of the Local Government Act 2014, accepted the need for a legislative framework to be in place to ensure a consistent approach to the governance arrangements of the new councils.

The 2014 Act, which was passed by the Assembly on 8 April last year, introduced mechanisms to provide protections for the interests of minority communities in council decision-making as an integral aspect of the new governance arrangements. Provision is made in that Act that a council's standing orders must specify decisions that are required to be taken by a qualified majority. In relation to a decision, a qualified majority means 80% of the votes of members present and voting on the decision. The Act provides that a decision on the adoption of executive arrangements by a council, a decision to use a method other than d'Hondt for the filling of positions of responsibility on a council, and the use of droop quota rather than quota greatest remainder for appointing councillors to committees must be taken by a qualified majority.

The regulations specify decisions that must be taken by a qualified majority, in addition to those already provided for in the Act. The regulations provide that a decision on a call-in made under section 41(1)(b) of the 2014 Act — in other words, a call-in on the grounds of disproportionate adverse effect on any section of the inhabitants of the district — must be taken by a qualified majority, as must a decision to suspend a council's standing orders. A council may not, however, suspend the mandatory standing orders specified in these regulations under any circumstances. The specification of these additional decisions will provide further support for the protection of the

interests of minority communities in council decision-making.

A key mechanism for providing protection for the interests of minority communities in council decision-making is the introduction of a call-in process. Importantly, this was agreed by the representatives of the five main political parties on the strategic leadership board's policy development panel on governance and relationships. Provision for this process is made in section 41 of the 2014 Act, which provides that a council's standing orders must make provision requiring reconsideration of a decision if 15% of the members of a council present to the clerk of the council a requisition on either or both of the following grounds:

"(a) that the decision was not arrived at after a proper consideration of the relevant facts and issues;

(b) that the decision would disproportionately affect adversely any section of the inhabitants of the district."

The main provision in the regulations is the prescription of the detailed process to be adopted by a council for the reconsideration of a decision in response to a request for such reconsideration being submitted to the clerk of the council. The process covers decisions taken by a council, a committee of a council and decisions taken under executive arrangements. This will ensure that a consistent approach is adopted by all councils to this important new feature of the governance arrangements for councils.

I wish to underline that the call-in of a decision is already provided for in primary legislation through the 2014 Act. It is, therefore, very important that councils are now provided with a consistent methodology for operating call-in. To do otherwise could result in processes being adopted by individual councils that may not provide appropriate or adequate protections.

The process specified in the regulations was developed with the direct input of a number of senior officers from local government and is designed to strike an appropriate balance between the administrative procedures of a council for the preparation and publication of the minutes of a meeting of a committee, and the need to ensure that the business of the council can be transacted in a timely and effective manner, allowing for the facility for members to request the reconsideration of a decision.

The regulations provide that a small number of categories of decision will not be subject to the reconsideration process.

Those include decisions where there is already statutory provision for an appeal against the council's decision; for example, the granting of an entertainments licence or, from 1 April this year, a planning application. Decisions where an undue delay would result in the breach of a statutory duty by a council, or where such a delay would be prejudicial either to the council's interest or to the public interest, are also excluded from the reconsideration process, as are decisions that simply note a report from, or the actions of, an officer. The final category of decisions that will not be subject to the reconsideration process concerns decisions that must be taken by a special resolution of the council, as such decisions are required to be approved by more than a simple majority.

The third aspect of the new governance arrangements for which provision is made in the regulations is to do with the operation of either the d'Hondt or Sainte-Laguë method for filling positions of responsibility. The regulations provide the timescales for the relevant steps in the process specified in the 2014 Act. The provisions should ensure that the process for filling positions of responsibility by one of those methods, at the first meeting of a council following a local election, is not prolonged unnecessarily. The provision of the ability of a council to extend that time frame ensures that there is the flexibility necessary to accommodate exceptional circumstances, should the need arise.

When the 2014 Act was being considered by the Assembly, Members agreed that provision should be made for the procedure for appointing councillors to committees. That is to ensure that the membership of a committee reflects the political balance of the council, and it was agreed that that should apply across all committees, if a council appoints more than one committee at the same meeting. Such an approach ensures that political parties with lower levels of representation on a council, and independents, would thereby have the opportunity to serve on a committee. Part 4 of the schedule to the regulations specifies the procedure that must operate in those circumstances. It follows closely the provisions in the Assembly's Standing Orders on the membership of Statutory Committees.

I ask the Assembly to approve the draft regulations.

Ms Lo (The Chairperson of the Committee for the Environment): I thank the Minister for his explanation of the background to and purpose of this draft affirmative statutory rule. The Committee considered the SL1 proposal at its meeting on 11 December 2014 and agreed that it was content for the Department to proceed with drafting the rule. The Department has since notified the Committee that two provisions were removed from the draft regulations after the submission of the SL1 to the Committee on that day, on the advice of the Departmental Solicitor's Office. The draft regulations included provision for a call-in to be terminated if the level of support for the request fell below the required 15% of members, after the request had been submitted. The Committee understands that no such provision may be included in the draft regulations, as the 2014 Act does not provide for the withdrawal of a call-in.

The initial draft regulations that came before the Committee also provided that only those decisions that were called in on the grounds of disproportionate adverse impact, supported by the opinion of the practising barrister or solicitor, would be taken by a qualified majority. All other decisions would be implemented or tabled for ratification by the council.

The Department has indicated that, since the relevant section of the Act makes no specific provision for obtaining a legal opinion on a request for reconsideration, the proposed provision had to be withdrawn. That means that all decisions that are subject to call-in on disproportionate adverse impact grounds must be taken by a qualified majority, taking into account the opinion of the practising barrister or solicitor.

The Committee was content that neither of these amendments impacted on the protection of the interest of minority communities in council decision-making. However, during its consideration of the Local Government Bill, the Committee raised concerns that the overuse of the call-in procedure could result in a deadlock in council decision-making. Members were reassured that the percentages required for a call-in or for a qualified majority may be revised by regulations subject to an affirmative resolution of the Assembly.

10.45 am

The Committee was also concerned that neither the Bill nor the regulations specifies the criteria to be used to determine the grounds for reconsideration under clause 41, which is that a

decision would disproportionately affect adversely any section of the inhabitants of the district. The Committee believed that any lack of clarity could lead to a specious use of call-in. The Committee also remained concerned that the use of a call-in will require the opinion of a practising barrister or solicitor. The Department had indicated that the specification of a panel of lawyers, rather than an individual barrister or solicitor, would introduce an additional safeguard, but this has not been introduced in these regulations. Accordingly, the Committee therefore recommends that careful consideration should be given to ensuring that the criteria for call-in should be further defined in guidance.

After taking these concerns into account, the Environment Committee has agreed to recommend that the motion be affirmed by the Assembly.

Mr Weir: I will perhaps answer some of the questions that have been raised. Although I was not at that Committee meeting, the Chair of the Committee has probably reached one of the key points. The reason for the petition of concern and why we are concerned is based on two grounds. First and principally, it has been mentioned that a slightly better mechanism may well need to be looked at that than purely having the opinion of a barrister, but that in itself would not be something that would block this. If that had been the only consideration, we would not be opposing this. I think that it is something that needs to be looked at. The bigger concern is the other issue that the Chair raised, which is what might be described as the filter mechanism. Mention has been made about the reasons given by the Department for why it is felt that that cannot be much of a particular issue. Indeed, there is a concern over what is there in the law.

When we were looking at this issue initially, which became part of the overall local government legislation, there was a desire — this is something that predates the legislation by quite a time — to say that adequate provisions should be put in to ensure that the only successful call-ins and the only successful use of QMV will be in very genuine cases where it leads to an adverse impact that, clearly, is detrimental to one community or another. That should be a reasonable test and something on which there should be clear levels of protections and safeguards. The issue has been ongoing for at least five or six years.

Call-in and qualified majority votes have been mentioned. We do not have problem with those as concepts, and we do not have any problem

with the broad thrust of the way that this is put together. Indeed, as the Minister indicated, at the strategic leadership board and before that in discussions, the idea of a call-in was unanimously agreed by the five main parties through a policy development panel, which I was part of. That panel agreed the percentages and the idea of qualified majority vote, but it was also indicated at the very start that that should only happen where there is a clear adverse impact. When we came to discuss section 41 of the legislation, provision was made, in absence of any other suggestion, for, essentially, a qualified legal opinion to be given to act as the filter mechanism. Clearly the intention behind that — certainly, our intention — was that this would be used simply on legitimate grounds. I appreciate the point about the concern that has been raised over the way the legislation has been drafted. It has been suggested by the Department that any filter or blocking mechanism that comes from a legal opinion is effectively taken out, and what we are left with in the call-in procedure is that an application is made, justification is given and there is a lawyer's opinion. However, according to regulation 4(8), when the legal opinion is obtained, the clerk must:

"include the decision on the agenda for the next available meeting of the council for reconsideration, at which it must be taken by a qualified majority".

The problem with this is that you could get the most vexatious application in the world, which would then go to the lawyer who could say, "This is absolute nonsense. This is simply grandstanding by half a dozen councillors". Yet, even though the clear-cut opinion is that there are no grounds whatsoever to proceed, according to the regulations, the decision automatically becomes one that is taken by a qualified majority vote. Under these circumstances, you are left questioning the role of the lawyer.

Mr Elliott: I thank the Member for giving way. Coming from a qualified legal background, he will well know that solicitors, lawyers and barristers give different opinions. That is what makes the courts operate, because they do have different opinions. Sometimes, a council or members on a council will not agree with that legal opinion, and some solicitors, lawyers and barristers will not agree with it either, so just because you get one opinion does not mean that that is the right one.

Mr Weir: I doubt that any lawyer and anybody who is legally qualified, including me or the

more eminent lawyer Mr Allister, will claim to be entirely infallible on all occasions. I take on board the point being made. The problem is that we still have a situation in which you could line up every lawyer in the world, and they would say that this is vexatious, that it is not a proper call-in and is not something that adversely impacts, whether it is from the lifting of bins in a particular area to whatever. You can say that something is entirely vexatious. It does not meet the qualifications for it, yet, according to the legislation, it automatically becomes a qualified majority vote.

The danger with this is — and it is something that we were mindful of at the start — that, first of all, it is used legitimately. There are plenty of examples on both sides of the community where, potentially, if this is put in place and is allowed to automatically become a qualified majority vote simply by the assertion of it, where a coach and horses could be driven through it, and it could simply become tit for tat across the board.

I know that this is a debate for another day, but there has been criticism, particularly from the Minister's party, in relation to the use of petitions of concern in this place, and I hold my hands up as one of the most guilty culprits in relation to that, but the argument is — *[Interruption.]* — and I see I have found some level of agreement from at least some Members of the House in relation to that. It is clear that, as part of the Stormont House Agreement, there will be discussions on that, and we will look at that issue, so there will be a discussion for another day.

We are mindful of the situation, even five or six years ago, in that a mechanism whereby six councillors of a particular opinion effectively automatically turned any decision they wanted into a qualified majority vote was not going to be appropriate for local government. That is why there has been a discussion on whether it should be a panel, the ombudsman or a legal opinion and why, specifically, in the legislation, we put in place that legal opinion had to be sought on this.

It seems to me a nonsense that, if we put in place that legal opinion has to be sought, the import of the legislation is that, at best, it becomes entirely a tick-box exercise and, at worst, a useful device for lawyers to earn a few pounds, but that their opinion is utterly irrelevant because the decision automatically becomes subject to QMV. We believe that that element of things is wrong. If there needs to be some tweak to the legislation or, in this case, to

the regulations, we are quite happy to entertain that.

In the broad level, we do not disagree with the general thrust of what is there. We are in a situation in which, as far as I am aware, all 11 councils have adopted qualified majority voting and call-ins in their standing orders.

I perhaps stand to be corrected on that. If we do have a slight delay in trying to make sure that we get this right, from a practical point of view, that will not make a great deal of difference on the ground. However, we believe that this is a very important point.

I apologise that we have reconsidered the provision quite late in the day, and I appreciate the inconvenience to the House on that, but I think that it is important that we get this right. If we simply go ahead with a system that is entirely carte blanche and has no restriction whatsoever to a call-in mechanism, which will make it simply an automatic qualified majority vote on all occasions, I fear that, across local government, we may well be storing up trouble for ourselves. I suspect that the Department did not intend that, and I do not criticise it for that. However, we have to be careful that, if there is an unforeseen circumstance, we do not fall into that problem and regret at some later stage the decision that has been made today. For that reason, we will vote against this, and we have used the petition of concern because we believe that something better can be put in place.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom cúpla focal a rá. I would like to say a few words on this. It seems that we have been speaking a lot on statutory rules in this last wee period, but it is a pity that this has come late in the day. It has given us no opportunity to go through the process on the issue that the Member who spoke previously raised. I know that no issues were raised at the Committee on this. The SL1 came, I think, in December, and the rule came last week. That said, the Minister can maybe clarify exactly what the issue is in response to the Member who spoke previously. I apologise, Minister, that I missed the start of your contribution, so I will maybe seek clarity on that.

Mr A Maginness: I thank the Member for giving way. The Member is asking an impossible question of the Minister. Mr Weir and his colleagues in the DUP have raised this issue at the eleventh hour. They never raised it once throughout the Committee's discourse, and you

are now expecting the Minister to explain what Mr Weir introduced at the eleventh hour.

Mr Boylan: I thank the Member for the intervention. If he had waited until I explained what the clarification is about, he would have found that I want the Minister to give clarification on the consultative process in all this, because all these things have gone out to consultation. I was asking the Minister to clarify the responses. That is the point that I was going to make. It was not about the lateness of the hour at which the Member brought the process forward. The Minister is well aware of the call-in in connection with the process involving the barrister and solicitor's role in all this. That is what I am looking for clarification on. The Minister may be able to respond on some of the responses and clearly outline the role of the barrister and solicitor in this matter. The Member intervened before I got to explain that point. That is what I am talking about. There has been ample opportunity to discuss these issues, and I am asking the Minister about the responses as part of the whole consultation, because this has been going on for a period of time.

In what we are trying to do and in what we are transferring to local councils, we need to give local councils the authority. They are the decision-making bodies, and we need to have confidence in them to make the decisions. I know that, at some point, there will certainly be a need for legal opinion, but I seek clarification from the Minister on that. I am aware that this issue was raised late in the day.

I am concerned about the use of the petition of concern in this case. The Member clarified that point and tried to make some apology for it, but I want the Minister to outline whether there was ample opportunity for everybody to partake in this process and to respond to any consultation. I believe that there was ample opportunity, but I seek clarification from the Minister on where we go after today's process. With that, I will bring my remarks to a close.

11.00 am

Mr Eastwood: It is kind of strange that we are here today in what is now becoming a debate. I do not think anybody in the Committee had intended to do much speaking today; they had all assumed that it was agreed and would go through as a matter of course, without any real debate. Well, we have the debate now, and it is very interesting. A lot of work had been done to ensure that power-sharing and protection for minorities were put at the centre of the new

council arrangements. We spent a long time in Committee. I look at some of the worn-out officials in the Gallery who spent a long time working with us as we went back and forth, discussing all these issues. They were already discussed in the strategic leadership board, where everybody agreed. Now, at the eleventh hour, we have a petition of concern.

I accept the Member's apology, but it is not the way for the House to do business. We can have debates about petitions of concern all day, and we do, but not on an issue of legislation, when we have gone through the Committee process, public consultations and processes before that. Remember that the legislation has taken far too long to get to this stage. It has been with a number of Ministers, and thankfully Minister Durkan has been able to bring it to the House and get it across the line. Now we are at the very final hurdle with these regulations, faced with a petition of concern with no real opportunity to discuss with the officials.

Mr Elliott: I thank the Member for giving way. If the Member and his party colleagues in Newry, Mourne and Down council had had the courage to vote against the Raymond McCreesh play park being renamed or continuing with that name, we might not need legislation and regulations such as this. Does the Member agree with that?

Mr Eastwood: I thank the Member for his intervention. The point about Newry and Armagh and the McCreesh play park situation — I think our councillors should have been there and voted against it, our leader has made that very clear — is that this mechanism would stop that type of thing happening. That could have been called in, and then you would have had to have a qualified majority. That is the very reason why these mechanisms are put in. Unfortunately it does not apply in this case, but, if it did, I would be very supportive of it applying. It is about protection of minorities, whether unionist minorities in Newry or nationalist minorities in Craigavon.

I hope that, given that we have all bought into the idea of the protection of minorities and power-sharing in a real sense being finally put into legislation and local government, where people would have no real choice but to share power, people are not getting cold feet on that. I hope this is not about flags or anything else. I hope —

Mr Campbell: The names of councils.

Mr Eastwood: Sorry? Did you want to make an intervention, Mr Campbell? I cannot hear you speaking from a sedentary position, but I am glad to give way if Mr Campbell wants. You don't, OK.

I hope, as I said, that this is not about people getting cold feet about power-sharing, because it took us far too long to get to this point. Some councils have been very good at it over the years, and some not so good at it. I hope that this can be resolved, and I regret very much that the DUP has decided to petition this; bizarrely using a petition of concern to prevent a mechanism that would protect minorities. It is very strange. I look forward to the Minister's comments, and I hope that the DUP will rethink its position on this.

Mrs Overend: Section 1 of the Local Government Act was brought into operation by commencement order on 2 June 2014, albeit pretty low-key and under the radar, even of the councils. As the Minister said, the order made provision for Members to request the consideration or the call-in of a council decision in specified circumstances. Following such a request, on the grounds that a decision would disproportionately adversely affect any section of the inhabitants of a district or was not properly decided on after appropriate consideration of the facts, the clerk of the council is required to obtain the advice of a practising barrister or solicitor.

The call-in procedure is an area that my party has long had concerns about. We recognise the merits of such a safeguard, but we believe that the Department could have gone about securing it more effectively.

The concerns raised during the progression of the Bill are still valid. For instance, both the Act and the regulations talk about a disproportionate adverse impact, without giving even the slightest indication of what would constitute such an impact. Maybe the Minister could provide some long overdue clarity. With such vagaries, the Department is only exposing itself and councils to unnecessary quarrels.

The call-in procedure has, nevertheless, been available to members of a new council during its shadow period. It appears that this provision has been interpreted differently by different councils, and, I am sure, by different legal advisers. There have been a number of attempts to use the process, many on genuine grounds. However, these have all been in the absence of the regulations.

Today's regulations are the laying down of matters that councils must include in their standing orders. It is important for an even local government system across Northern Ireland that a consistent approach be adopted across the board. Departmental solicitors scrutinised the draft SL1 and removed two provisions on the reconsideration of decisions. The first related to the removal of the termination of a reconsideration if the supporting members fall below 15%. The second provision that has now been removed is the need for the advice of a qualified barrister or solicitor as to the merit of a call-in on the grounds of disproportionate adverse impact. Now all call-ins in circumstances of disproportionate adverse impact will be decided on by a qualified majority, as has been mentioned, and a barrister or solicitor's opinion will no longer preclude a decision being taken, although it can be taken into consideration. As my colleague said, various solicitors have various opinions, and I am sure that those can be taken into consideration by all present.

The regulations were noted by the Environment Committee on 12 February, as well as at the earlier SL stage. It is worth noting that all parties were content with what was proposed at those stages. It is ironic, however, that we have one safeguard being used — some would say abused — to block another. The time for the DUP to raise their concerns was in Committee; then the Department would have had at least the chance to work with them. Typically, however, they have adopted the stance of their way or no way. Of course, the Ulster Unionist Party raised many concerns during the progression of the Bill but were broadly ignored. This is just one example of what happens when bad political decisions are pushed through the Assembly, not because it is the right thing to do but because it suits one or both of the two main parties, which thrive on carving up Executive responsibilities.

Mr A Maginness: I support the regulations as tabled by the Minister. The Minister said quite rightly that the principles enshrined in the primary legislation are reflected in these regulations. It has to be said, and I emphasise the point, that there was never any challenge to those principles and never any questions in Committee — in particular, the Environment Committee.

There has, furthermore, been a massive amount of work done for many months on these regulations. Of course, a strategic leadership board was set up to consider all these provisions, and there was general agreement about the provisions on that board. That

political consensus, which has quite improperly been undermined today, was wrought out of many months of political discussion and debate and was of great value in informing this House, the Environment Committee, the Minister and the Department of the Environment on how these regulations should be shaped, formed and presented in detail to this House. In my view, what has been done today is irresponsible. I do not find the arguments put forward by Mr Weir in the House to be convincing in any way.

Mr Weir: I thank the Member for giving way. We could all have a separate discussion of process issues. Obviously, as regards the principle of the issue, everybody has been, and remains, committed to call-in and the qualified majority vote for the protection of minorities. Effectively, part of those discussions have been going since day one. Will the Member actually address the merits of this? We can bandy about comments as to when particular things should have happened and what process should be used, but we are dealing with the detail of specific regulations and the import of what is there. Can the Member name a single council decision of any nature — no matter how little impact it has on the community — where, if somebody put a call-in saying, "This adversely affects my community", it would not then become part of qualified majority voting? Is that not going against the spirit of what was agreed?

Mr A Maginness: I find it peculiar that the Member reverses the onus to me, my party or the Minister. It is up to the Member to discharge to the House a serious reason why these regulations should not be adopted today. I do not accept the argument that the onus lies with the Minister or me, as a member of the Environment Committee, to disprove the points that the Member has raised in argument.

I want to go back to one other very important point in relation to process. This issue was raised yesterday evening by the DUP. It was, effectively, a political ambush and a misuse of political power to petition the regulations here today. It is highly damaging in relation to the political consensus that has been built around protections for minorities and the way in which the new councils will operate. It is also damaging to the process of bringing the councils into full operation in a fair and proper manner. That is not good politics; it is bad politics. It is bad for the House, bad for the new councils and bad for the DUP that, at the last minute, has brought the petition of concern and objections, which, quite clearly, no Minister could have dealt with at the last minute. The Minister is quite proper to proceed today to

bring these regulations and say to the House, "These are the regulations that have been agreed by everyone". No objections were raised to them in Committee or outside Committee. There needs to be an explanation from the DUP in relation to that. I am not convinced by the arguments that have been brought forward. Indeed, if you look at the regulations —

Mr McCallister: I am grateful to the Member for giving way. If Mr Weir was convinced by his arguments, he would not need the petition of concern because he would probably think that he would get enough support. I agree with the point about the abuse of the petition of concern. I constantly warned during debates about local government reform that we would almost devolve our dysfunctionality to local government. The big issue that he needs to address is this: anyone in the Chamber who has ever signed a petition of concern should look at the reason why they signed it. Quite frankly, it looks as though everybody is as bad as each other, although I put my hands up and happily admit that I have never signed one.

11.15 am

Mr A Maginness: I thank the Member for his intervention. He has a different political agenda, and he is entitled to that, but he does not seem to understand the necessity, in certain circumstances, for the genuine and proper use of a petition of concern. He would like to see the petition of concern mechanism removed completely in the House, but that runs contrary to the very nature of the House, which is to try to protect minorities on special issues.

I accept, Mr Speaker, if you indulge me, that petitions of concern have been abused in the House, but this is a most egregious example of the misuse of the petition of concern. I cannot think of any petition of concern coming so late in the day on an issue that has achieved — remarkably, in my opinion, and indeed thanks to the DUP amongst others — remarkable political unanimity in relation to these regulations. I just cannot understand why, at this particular moment, a petition of concern is being used in such a clumsy, crude and undemocratic fashion in the House.

Let us look at paragraph 3(2) of the schedule to the regulations, where it says:

"The following decisions shall not be subject to call-in —"

I am trying to address the point that Mr Weir raised, which was that this could subject councils to all sorts of abuse and that, willy-nilly, decisions could be called in and all the rest. There are proper safeguards, in my opinion, in relation to this. Paragraph 3(2) says:

"The following decisions shall not be subject to call-in —

- (a) a decision on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism;*
- (b) a decision which is deemed to be a case of special urgency in accordance with regulation 24 of the Executive Arrangements Regulations;*
- (c) a decision where an unreasonable delay could be prejudicial to the council's or the public's interests;*
- (d) a decision taken by an officer of the council which is not a key decision;*
- (e) a decision by the executive which serves only to note a report from or the actions of an officer;"*

I emphasise that point to you, Mr Speaker, and to the rest of the House, because there, in one fell swoop, you have safeguards in relation to the abuse of this particular process of call-in. There is a proper and lawful blocking mechanism there to prevent misuse.

Let us move on to paragraph 4(3) of the schedule, which deals with standing order call-in admissibility. It says:

"A call-in shall —

- (a) specify the reasons why a decision should be reconsidered"*

Not only can you say to the clerk or chief executive of a council that you have a problem with it, but you have to specify the reasons why a decision should be reconsidered. That is another safeguard in relation to this matter. You cannot just, willy-nilly, say that you object to something; you have to state the reasons for that.

Mr Weir: I thank the Member for giving way. The problem is that he indicates that you need to specify the reasons, but you could specify the most spurious reasons with no relevance at all to community interest. Once you have specified your reasons and once you have triggered the mechanism of the call-in on that basis, it does not matter, for example, whether the lawyer says that it is utterly vexatious and is utter nonsense, whether it is about putting 10p on the rate that you charge for swimming in the local leisure centre or lifting the bins or any of

those things. No matter how utterly spurious it is, so long as you give a reason, that automatically follows through to the position of becoming a qualified majority vote according to the regulations. That is the problem.

Mr A Maginness: I go back to the point of paragraph 4(3)(a). You have to:

"specify the reasons why a decision should be reconsidered".

That is unlike the petition of concern that Mr Weir has brought, whereby he has not specified why the regulations should be blocked. I emphasise that the specification of the reasons is an important safeguard in the use of the call-in mechanism.

Paragraph 4(3)(b) goes on to state:

"subject to sub-paragraph (6) [of the standing order] be deemed to be inadmissible if the reasons are not specified."

Paragraph 4(4) continues:

"In the case of a call-in submitted under section 41(1)(b) of the 2014 Act, members must in the reasons specified under sub-paragraph (3)(a) specify—

*(a) the [community] that would be affected by the decision; and
(b) the nature and extent of the disproportionate adverse impact."*

That is another hurdle that has to be overcome. You cannot simply say, "I don't like this decision, and it might affect such-and-such a community". It is put in there so that you cannot just vexatiously or frivolously bring an application for a call-in.

There are good protections in the regulations. Of course, it has to say that it has the support of 15% of council members.

Paragraph 4(8), which Mr Weir neglected, states:

"When the legal opinion obtained in accordance with section 41(2) of the 2014 Act— "

— confirms that the call-in has merit —

"the clerk must—

(a) furnish the opinion to the members; and .

(b) include the decision on the agenda for the next available meeting of the council for reconsideration, at which it must be taken by a qualified majority."

Mr Weir referred to paragraph 4(8), which does the same in a situation in which legal opinion indicates that the call-in does not have merit, so both situations are covered. In that situation, a council again has protection. That is important, and the ultimate determinant is qualified majority voting.

That mechanism was agreed by all the parties not just in the House but outside the House by their political representatives who were elected to council and appointed by those parties to look at and thoroughly vet the issues and come to a decision on them. That was good politics. The DUP has shown bad faith about the regulations today. It has gone back on what its public representatives agreed and on what it agreed in the Assembly, in Committee and in the Executive. It has given no proper reason for going back on those decisions. It is shameful that the DUP comes to the House and makes unsubstantiated points to sabotage the regulations.

Mrs D Kelly: I served on the Environment Committee almost two years ago, and I recall these regulations being discussed at that time. It was very clear that all members were very mindful of their responsibility, as more power was devolved to local government from each of the Departments, to put in place equality provisions to ensure that there would be no abuse of power at that level. There was a necessity, which was particularly advocated by my party, to put in place regulations, such as the ones that Minister Durkan has put forward today, to ensure that no community would be adversely impacted by any decision of the new councils.

Unfortunately, some parties here in the North seek, in the Assembly and in local government, to reduce all of our decisions to nothing more than a sectarian headcount because it seems to support their clamour for power. When people are worrying about whether flags are flown, they forget about the dire circumstances in which they find themselves: the type of home that they live in; the type of job available to them, such as those with zero-hours contracts, for example; and the waiting lists that they have to endure for their health-care or domiciliary care services.

It would be much more advantageous for society as a whole if people, and the politicians who represent them, were truly engaged in the

type of debate that impacts on their daily lives. Clouding the issues around some of the more emotive subjects seems to be the ambition of some parties, because a consequence of being diverted from the bread-and-butter issues is that people forget the poor representation that many of them suffer from.

As my colleagues said, the use, at this very late stage, of a petition of concern is extremely regrettable. It is also symptomatic of the fact that some parties have not got their head round their responsibility to build a shared society and build reconciliation across our communities. That was exemplified in the Stormont House Agreement, when good relations, a shared future, flags, parading and the past were kicked into the long grass by the establishment of commissions.

Mr Humphrey: I thank the Member for giving way. I assure her and the House that it is perfectly legitimate for people to protest and complain about the flag of their nation being taken down and still care about housing, the environment, jobs, security, social security and so on. That is absolutely consistent. While I am on my feet, may I ask the Member whether it was posturing by the SDLP in Newry and Mourne to put the Irish language first? Was that not political posturing before the upcoming election?

Mrs D Kelly: The Member has given the answer better than I could have: the issue is flags. In Craigavon, in my constituency, we saw electioneering in its worst form, when the DUP, in the dying embers of the council, ignored the advice of the Equality Commission and the council's legal advice in order to score points.

The very fact that the regulations are being promoted across all councils will seek to ensure that whatever community has the lead role through its representatives on a council, it cannot force issues down other people's throats, and people will start to talk about some of the real issues and put in place a proper economy strategy, for example. Quite bizarrely, we do not have such a strategy in Northern Ireland, nor do we have a childcare strategy worthy of any note.

It is very clear to me and, I am sure, to many independent observers what the real issue is for the DUP. Its abuse of power in using a petition of concern should send alarm bells ringing among all who describe themselves as democrats. I hope that other Members will prevail in their support for the regulations, which

they did at Committee and, I presume, at the Executive.

We all know what this is really about.

It is right and proper that such regulations be put forward by the Minister, because it is very clear that many Members and many parties are still very immature and are not yet addressing the real issues that face our society, particularly that of building a shared and reconciled community.

11.30 am

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank the Committee Chair and others who contributed to the debate today. Ms Lo gave a detailed account of the Committee's consideration of and support for the regulations, albeit she raised slight concerns and asked some questions around such issues as the criteria for call-in.

I listened intently to Mr Weir and wondered what his old friends in NILGA might think about decision-making powers being taken off councillors and given to legal professionals. I am now even more intrigued as to the use of the petition of concern by the DUP today, particularly given recent decisions made by councils that have caused such outrage and hurt. Mr Elliott raised one and Mr Humphrey raised another. Those are matters that could be blocked with the support of the regulations, and people could be protected.

Mr Weir: Will the Minister give way?

Mr Durkan: Yes.

Mr Weir: At the moment, call-in and QMV are actually in the standing orders of all councils, so there is nothing to stop anybody using call-in at present. The problem is that it could be used for anything, however vexatious, with the few exceptions that Mr Maginness raised, which I acknowledge. It could be used for the most superfluous of issues, to be frank. The Minister and others in his party have complained about the use of a petition of concern, yet this is effectively putting the petition of concern into local government in all instances.

Mr Durkan: It would allow consistency across councils and not create the carte blanche system that Mr Weir fears may be created.

Mr Elliott also made the perfectly valid point that different legal professionals will inevitably have different opinions and that, occasionally,

councillors may think that those opinions are wrong. It would take a brave or foolish council to disregard legal advice and plough on regardless.

Mr Eastwood queried whether there might be more to the opposition from the DUP than meets the eye, or the ear. I guess that, as we dust ourselves down after today's debate and attempt to negotiate new regulations, the real issues may come to the fore. The irony should not be lost on anyone — I know that it was certainly not lost on Mr Eastwood — that a petition of concern has been deployed today to thwart a mechanism that would protect minorities. I wonder whether today's use of a petition of concern would have got through any filter mechanism.

Call-in has not really been thwarted, though, and Mr Weir has pointed that out. Call-in and QMV are enshrined in legislation and, in the interim, before we agree on regulations, and hopefully we can, councils will be left to their own discretion — in some cases, their own devices, I fear — as to when the mechanisms should be used. That is far from satisfactory. To use Mr McCallister's term, it is a recipe for dysfunction.

The regulations would add important detail to new governance arrangements for councils provided in the 2014 Act and would ensure that a consistent approach was adopted by councils to protecting the interests of minority communities in their decision-making and to the sharing of membership of committees across political parties and independents. The failure to approve the draft regulations today will leave the councils without a clear direction on the provisions that they must include in their standing orders on those very important matters, less than six weeks before they take on their full responsibilities on 1 April. As I said already, that will also lead to different approaches being taken by different councils on the decisions that must be taken by a qualified majority and on the process to be followed when a decision is called in. The lack of a clearly specified process will result in some councils providing for all decisions, including those to do with planning and licensing applications, to be subject to the call-in process. That could prevent the council acting effectively as the local planning authority if decisions are constantly delayed because of the call-in process. There is already a well-defined mechanism for challenging planning decisions through the Planning Appeals Commission.

Equally, other councils could decide to exclude certain decisions from the call-in process, for

example, around flags, council name and language policy. That would run counter to the council's responsibility to represent everyone in that local government district and to the objective of providing protections for the interests of the different communities within that district.

Mr Boylan asked what many people will be asking: where do we go after today? It seems that the House has failed to agree these regulations. As a result, it is not serving local government and communities well. The 11 new councils are still finding their feet and were looking to the Assembly to provide certainty in the mandatory elements of the standing orders. In the absence of regulations, councils will have to set their own standing orders and determine their own processes for call-in and how QMV will operate.

Meanwhile, it appears that we will have to go back to the drawing board and possibly look at changes to primary legislation if we are to achieve consensus. It has been outlined by one of my party colleagues that this is a backward step. That should not be lost on anyone here today. While we seek to get consensus, councils will still be required, as set out in the Local Government Act, to operate a call-in process and introduce qualified majority voting.

I am disappointed at the outcome today, but I thank the Chair of the Committee and other Members for their support for the motion.

Mr Speaker: I remind Members that the vote on the motion will be on a cross-community basis.

Question put.

The Assembly divided:

Ayes 58; Noes 29.

AYES

NATIONALIST:

Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Dallat, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Mr McKinney, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Ramsey, Ms Ruane, Mr Sheehan.

UNIONIST:

Mr Beggs, Mr Cree, Mrs Dobson, Mr Elliott, Mr Gardiner, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr Nesbitt, Mrs Overend, Ms Sugden, Mr Swann.

OTHER:

Mr Agnew, Mrs Cochrane, Mr Dickson, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Ayes: Mr Eastwood and Mr A Maginness.

NOES

UNIONIST:

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Craig, Mr Devenney, Mr Dunne, Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Humphrey, Mr Irwin, Mr McCausland, Mr D McIlveen, Miss M McIlveen, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir.

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

<i>Total Votes</i>	<i>87</i>	<i>Total Ayes</i>	<i>58</i>	<i>[66.7%]</i>
<i>Nationalist Votes</i>	<i>37</i>	<i>Nationalist Ayes</i>	<i>37</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>42</i>	<i>Unionist Ayes</i>	<i>13</i>	<i>[31.0%]</i>
<i>Other Votes</i>	<i>8</i>	<i>Other Ayes</i>	<i>8</i>	<i>[100.0%]</i>

Question accordingly negated (cross-community vote).

Welfare Reform Bill: Further Consideration Stage

Mr Speaker: I call the Minister for Social Development, Mr Mervyn Storey, to move the Bill.

Moved. — [Mr Storey (The Minister for Social Development).]

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

The first debate will be on amendment Nos 1 to 4, 8 to 11, 13 to 18, 20 to 23, 26 and 27, which deal with administration and entitlements. The second debate will be on amendment Nos 5 to 7, 12, 19, 24 and 25, which deal with Assembly control, reports and technical issues.

I remind Members intending to speak that, during the debates on the two groups of amendments, they should address all the amendments in each group on which they wish to comment. Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. I also remind Members that debate at Further Consideration Stage is restricted to further amendments to the Bill. If that is clear, we will proceed.

Clause 10 (Responsibility for children and young persons)

Mr Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 4, 8 to 11, 13 to 18, 20 to 23, 26 and 27. These amendments relate to administration and entitlements. Members should note that amendment No 14 is consequential to amendment No 13, amendment No 17 is mutually exclusive with amendment No 23, and amendment No 26 is consequential to amendment Nos 22, 23 and 24.

I call Mr Steven Agnew to move amendment No 1 and to address the other amendments in the group.

Mr Agnew: I beg to move amendment No 1: in page 4, line 38, at end insert

"(3A) Where an additional amount under subsection (2) can be awarded at two different rates, the lower rate shall be no less than two thirds of the higher rate."

The following amendments stood on the Marshalled List:

No 2: In clause 26, page 13, line 14, at end insert

"(c) the production of explanatory documentation on sanctions to be given to the claimant prior to the imposition of a sanction."— [Mr Attwood.]

No 3: In clause 27, page 13, line 36, at end insert

"(c) the production of explanatory documentation on sanctions to be given to the claimant prior to the imposition of a sanction."— [Mr Attwood.]

No 4: In clause 30, page 15, line 20, at end insert

"() An authorised person under this section is a person exercising a function or functions of a public nature.

() Section 6 of the Human Rights Act 1998 shall apply to an authorised person as defined under this section."— [Mr Attwood.]

No 8: In clause 47, page 25, line 40, at end insert

"(c) the production of explanatory documentation on sanctions to be given to the claimant prior to the imposition of a sanction."— [Mrs D Kelly.]

No 9: In clause 47, page 26, line 29, at end insert

"(c) the production of explanatory documentation on sanctions to be given to the claimant prior to the imposition of a sanction."— [Mrs D Kelly.]

No 10: In clause 47, page 28, line 12, at end insert

"(c) the production of explanatory documentation on sanctions to be given to the claimant prior to the imposition of a sanction."— [Mrs D Kelly.]

No 11: In clause 70, page 56, line 32, at end insert

"(6) Regulations may not provide for the reduction of an existing award where a claimant declines the offer of suitable alternative accommodation."— [Mrs D Kelly.]

No 13: In clause 81, page 60, line 32, leave out subsection (3).— [Mr Storey (The Minister for Social Development).]

No 14: In clause 81, page 60, line 39, leave out paragraph (c) and insert

"(c) must provide for relevant medical evidence to be taken into account in assessing a person and may make provision about other matters which are, or are not, to be taken into account."— [Mr Storey (The Minister for Social Development).]

No 15: In clause 89, page 64, line 24, at end insert

"(3A) A person entitled to personal independence payment shall receive the award no later than 16 weeks after the date on which a claim for it is made or treated as made."— [Mr Agnew.]

No 16: After clause 103 insert

"Appeal in respect of sanction imposed under this Act

103A.After Article 15 of the Social Security (Northern Ireland) Order 1998 there is inserted

"Appeal in connection with sanctions

15A. Where the amount of an award of any social security benefit is to be reduced as a consequence of any failure by a claimant which is sanctionable under the Welfare Reform Act (Northern Ireland) 2015 —

(a) a claimant is entitled to an appeal hearing within four weeks of the notice of sanction being issued; and

(b) the amount of any relevant award shall not be reduced before the appeal is decided.""— [Mrs D Kelly.]

No 17: After clause 120 insert

"Duty to ensure access to independent advice

120A.—(1) *The Department shall ensure that any person making a claim under this Act shall be entitled to have access to independent confidential advice and assistance provided free of charge in relation to making a claim under this Act.*

(2) *For the purposes of subsection (1) the Department must bring forward guidance on the independent confidential advice and assistance which is to be developed in consultation with the Northern Ireland Advice Services Consortium, within 3 months of the commencement of this section.*— [Mrs D Kelly.]

No 18: In clause 121, page 88, line 26, leave out "and" and insert "(aa) the standards of advice and assistance provided under section 132B of the Welfare Reform Act (Northern Ireland) 2015; and".— [Mr Storey (The Minister for Social Development).]

No 20: In clause 130, page 92, line 26, after "housing benefit" insert "or universal credit".— [Mr Storey (The Minister for Social Development).]

No 21: In clause 131, page 93, line 39, at end insert

"(6A) *Regulations may not provide for the reduction of an existing award where a claimant declines the offer of alternative accommodation.*"— [Mrs D Kelly.]

No 22: After clause 132 insert

"*Payments to persons suffering financial disadvantage*

Payments to persons suffering financial disadvantage

132A.—(1) *The purpose of this section is to enable the Department to make payments to persons who suffer financial disadvantage as a result of the changes to social security benefits and tax credits contained in this Act and the Welfare Reform Act 2012.*

(2) *The Department may by regulations make provision for the purpose mentioned in subsection (1).*

(3) *Regulations under this section may in particular make provision —*

(a) *for determining whether a person has suffered financial disadvantage as a result of the changes mentioned in subsection (1) and, if so, the amount of that disadvantage;*

(b) *for determining eligibility for payments, including provision for payments to be made only in prescribed circumstances or only to persons who meet prescribed conditions;*

(c) *for determining —*

(i) *the amount of payments;*

(ii) *the period or periods for or in respect of which payments are to be made;*

(d) *for claims for payments to be made in prescribed cases and in the prescribed form and manner and for the procedures to be followed in dealing with and disposing of such claims;*

(e) *for payments to be made in prescribed cases without any claim being made;*

(f) *imposing conditions on persons claiming or receiving payments, including conditions requiring them to provide to the Department such information as may be prescribed;*

(g) *for payments to cease to be made in prescribed circumstances;*

(h) *for the disclosure of information relating to payments in prescribed circumstances or to prescribed persons;*

(i) *for the recovery of payments by the Department in prescribed circumstances;*

(j) *requiring or authorising reviews (whether by the Department or by prescribed persons) of decisions made by the Department with respect to the making or recovery of payments;*

(k) *imposing functions on a statutory body other than the Department in connection with the administration of the regulations;*

(l) *for such other matters as appear to the Department to be necessary or appropriate in connection with the making of payments including provision creating criminal offences and provision amending or applying (with or without modification) any statutory provision.*

(4) *Payments are not to be regarded as a social security benefit; but regulations under this*

section may provide for any statutory provision relating to a social security benefit (or to such benefits generally) to apply with prescribed modifications in relation to payments.

(5) The Department shall, in respect of each financial year in which payments are made, prepare and lay before the Assembly a report on the payments made in that year.

(6) No regulations shall be made under this section unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(7) If regulations under this section impose functions on any statutory body other than the Department, the Department must consult that body before making the regulations.

(8) A power conferred by this section to make regulations includes power —

(a) to make such incidental, supplementary, consequential or transitional provision as appears to the Department to be necessary or expedient for the purposes of those regulations;

(b) to provide for the Department to exercise a discretion in dealing with any matter.

(9) In this section—

"prescribed" means prescribed by regulations under this section;

"payment" mean a payment under this section;

"statutory body" means a body established by or under a statutory provision."— [Mr Storey (The Minister for Social Development).]

No 23: After clause 132 insert

"Duties of the Department

Duty to ensure availability of advice and assistance

132B. The Department must ensure that advice and assistance are made available free of charge to persons making a claim under this Act in connection with that claim."— [Mr Storey (The Minister for Social Development).]

No 26: In clause 135, page 95, line 37, at end insert "() section 132A (payments to persons suffering financial disadvantage);

() section 132B (duty to ensure availability of advice and assistance);

() section 132C (review of this Act);"— [Mr Storey (The Minister for Social Development).]

No 27: In schedule 1, page 99, leave out lines 3 to 7.— [Mrs D Kelly.]

Mr Agnew: At the outset of the Further Consideration Stage of the Welfare Reform Bill, I welcome the opportunity that we have to seek again amendments to the Bill to mitigate its worst effects on some of the most vulnerable people in our society. I welcome the fact that, as I understand it, no petitions of concern have as yet been lodged against any of the amendments tabled, and I hope that that remains the case. It means that we can debate the amendments on their merits and those who oppose amendments will do so for their own reasons but without the cover of a petition of concern, which, I think, at Consideration Stage, put the emphasis on the DUP, who tabled those petitions, and, to some extent, provided cover for other Members who rejected amendments that, in my view, were sound and in the best interests of many vulnerable members of our society.

Amendment No 1 is about a disability addition payment. As the Bill is currently drafted, many families with disabled children will see a loss of approximately £26 a week to the universal credit that they receive under the current tax credit system. It is estimated that that will affect 100,000 families across the UK, and, on a proportional basis, that figure equates to approximately 3,000 families in Northern Ireland, although, with our higher level of disability claims, there is the potential that that figure could be greater than 3,000.

At Consideration Stage, the Minister stated that the reduction in the lower-rate payment would enable those with more severe disabilities to receive a greater payment. For me, that does not stack up as an argument, when those on the greater payment would receive £2 per week more — which I am sure they will welcome — but I do not see how that is a justification for families to receive a reduction in payment of £26 per week, which will have a significant impact on the family income.

We need to separate out from this the issue of discretionary payments which, no doubt, will be used by some to suggest that this situation could be mitigated. What I seek from the Minister and from other parties is clarity on whether they support this cut to the lower-rate

disability addition in principle, or are they supporting it in this Bill with the promise of discretionary payment being made to those families to meet the condition that some have said to date, that no one will be worse off under this Bill? There is no doubt that, as the Bill is drafted — without any discretionary payments — in the region of 3,000 families will be worse off as a result of this change.

I propose, as I did at Consideration Stage, that we change the legislation and give a commitment to those families that they will not be worse off and, therefore, we should amend the legislation accordingly to make sure of that. At the very least, I seek assurance and commitment from the Minister and other parties on the Executive that, should the Bill not be amended, those families will be compensated through the discretionary payments, and that they will benefit from the commitment made by those who said that no family will be worse off as a result of welfare reform in Northern Ireland.

12.00 noon

Amendment No 15 is a proposal to set a time limit by which PIP assessments are made and claims honoured. We have seen the shambles — I think that that is the right word to use — of the situation in England, where, after 16 months of personal independence payment (PIP) implementation, only 40% of cases had been cleared, with many claimants waiting as long as six months. Indeed, in some cases, claimants were waiting longer than that for a decision to be made on their claim. The Government in the UK have now given a commitment that they will get the time delay down to 16 weeks, and my amendment proposes that we should set a limit of 16 weeks for such decisions to be made in Northern Ireland. Let me be clear: that is still too long. Sixteen weeks to wait on a decision on a claim for people with serious disabilities and who need support is still too long, and I think that it should be a minimum commitment that we give that 16 weeks is the longest that any claimant should have to wait from their lodging of a claim until they receive a decision. That, to my mind, allows the Department the time to introduce the system and to iron out the cracks.

I hope that, going forward, no one will be waiting for 16 weeks, but it does allow the flexibility in the interim period and the transition period for the Department to get the processes in place and to deal with any backlog. I think that the amendment passed in the previous stage to allow for a pilot scheme should allow the Department the ability to test the systems on a smaller scale and to ensure that we do not

have the mess that was experienced in GB, with many vulnerable people and many people with disabilities having to wait an extraordinarily long time to have their claim assessed and their decision made and to receive their payments. It is not acceptable that we expect people with disabilities to suffer to fit a change in the system. The change in the system must work for the people with disabilities and must meet their needs, not, as I say, the other way around.

Amendment No 17, which has been tabled jointly by the Green Party and the SDLP, is in relation to the independent advice duty; a duty on the Department to ensure that independent advice is freely available to those seeking to access benefits. In the previous stage, we heard about the issues facing the east Belfast advice centre, and there are advice centres across Northern Ireland that are facing increased demands, in part due to concerns and uncertainty around welfare reform. There is no doubt that, if and when this legislation passes, they will see a surge in demand for their services. However, it appears unlikely that they will see an increase in the support that they receive from government to meet that demand, which is a result of changes made by this Government.

Whilst I recognise that the Minister has his own amendment to place a statutory duty to provide free advice, and I will certainly listen to his explanation of how that will work in practice, I think that it is important that it is independent advice for a number of reasons. First, if it is simply the advice that is already given by our social security offices, every MLA in the House will know how inadequate that provision would be were it not for the support of the likes of Citizens Advice, Advice NI and other organisations. Staff in social security offices do not have the time to sit down with individual claimants to support them through their claims and to see that process through — for example, if they have to go for appeals etc. I see that the Minister is shaking his head.

Mr Storey (The Minister for Social Development): I thank the Member for giving way. I have listened to this argument over a number of weeks, and I have to say that I do not see what the Member is painting as an issue. On the one hand, we are being told that, if we were to put all this on a statutory basis, everything would be well, but the Member has already said that it is an issue about whether we will have adequate resources in the independent sector to give advice because of the changes that are being implemented as a result of welfare reform, so what is at the heart

of this? Is it about ensuring that the independent advice sector is put on a statutory basis that gives it a position in a legislative framework, or is the Member saying that he is not happy with the advice that the independent advice sector is giving, or is it all about getting more resources into the independent advice sector? I sometimes fail to see where it all fits in with what we are being asked to provide.

Mr Agnew: If I was unclear, I apologise, and I will try to be clearer. I referred to the lack of resources in our social security offices. At no time, I believe, subject to referring to Hansard, did I suggest that I was unhappy with the advice being given by the independent advice sector. It is about protecting and giving security to that sector at a time when resources are being stretched so that its place is protected. We recognise the need for those services. I am not criticising staff in social security offices. I think that there are separate roles for the independent advice sector and the statutory advice given in social security offices, but it is about recognising that role, putting it on a statutory footing and giving the security that, as we go forward, despite the pressure on resources, we will continue to have an independent advice sector that is adequately resourced to meet the demands that will inevitably rise as a result of the changes proposed in the Bill.

Another reason why I believe that it needs to be independent advice — the Minister has addressed and faced this issue many times — is to do with what has come from the UK Government, which is an agenda to cut the welfare bill. I do not believe that the same government — Mr Storey can answer whether or not it is his agenda — that seeks to reduce the welfare bill gives advice to those who are seeking to access welfare payments. Those roles need to be separated. In GB, we have seen the pressures to reduce welfare spend through some pretty odious means, including setting targets for sanctions. I know that the Minister says that that will not happen here. I believe his sincerity in saying that, but we have to be on our guard that what has happened in GB does not translate to Northern Ireland.

For those reasons, I, along with the SDLP, propose amendment No 17 and favour it to the Minister's amendment No 23. It is important not only to have a statutory duty to provide free advice but to extend that statutory duty to independent free advice.

Amendment Nos 11 and 21 relate to the bedroom tax, and they are key amendments. We will learn a lot today in how parties respond

to those amendments. They propose that, even when alternative accommodation exists, nobody should be subject to what has become known as the bedroom tax.

Undoubtedly, uncertainty has been created. We have been given commitments time and again that the bedroom tax will not be implemented in Northern Ireland. The Minister said that he was not introducing the bedroom tax by the back door, but my reading of his words in the same debate is that he is introducing it by the front door. He very explicitly stated, and I quote from Hansard:

"The Executive have agreed to create a separate fund of £17 million per annum that will mitigate the impact of this measure by protecting existing and future tenants from any reduction in their housing benefit unless there is a significant change in their personal circumstances or they are offered suitable alternative accommodation." — [Official Report, Vol 101, No 9, p24, col 2].

That is the bedroom tax. That is exactly what the bedroom tax is. I accept that it is a phased introduction, in that it would apply only where suitable alternative accommodation exists, but where that accommodation exists or where there is a change in personal circumstances, the bedroom tax would, as outlined by the Minister, be implemented. On social media and in other places, I was accused of all sorts of things, including being misleading. I am merely going on the words of the Minister. If those words are wrong and he wishes to retract them today, I will welcome that. He is shaking his head, so I assume that he will not do that. If Sinn Féin wants to stand up and say that it did not agree to the implementation of the bedroom tax, I will welcome that and will welcome its Members going through the Lobby to support amendment Nos 11 and 21, which will ensure that the bedroom tax is not implemented and that the legislation makes it clear that it cannot be implemented as proposed by the Minister at the previous stage.

Mrs D Kelly: Will the Member give way?

Mr Agnew: I certainly will.

Mrs D Kelly: Could the Member assist me by pointing out where any consideration has been given by the Minister or others to people with disabilities who require additional accommodation in their home to meet their personal care needs or even to store the aids and equipment that they need?

Mr Agnew: I certainly cannot find it. I thank the Member for raising the point. We were given all these assurances about the flexibilities of the bedroom tax. I remember that, when the previous Minister Mr McCausland was in post, I listed the various flexibilities that would be required to protect people with disabilities, carers, parents with caring responsibilities and, potentially, people in the armed forces who have children etc. I asked the Minister what, if we gave all those exemptions, would be the point of the bedroom tax and how much we would save by implementing it. Surely it would become just an ideologically driven mechanism to punish people for being on benefits. The Bill does not have the flexibilities that we were promised. What we have is a commitment from the Minister to implement the bedroom tax where suitable alternative housing exists or personal circumstances change. At this stage, I am looking for the assurance that the bedroom tax will not be implemented, and the only way to get that solid assurance is to support amendment Nos 11 and 21.

I come now to the amendments tabled by the SDLP. Amendment Nos 2, 3, 8, 9 and 10 are on explanatory documents on sanctions. I regret that, at the last stage, the Assembly passed the maximum sanction of 18 months, but, given that, these are sound amendments from the SDLP. We have evidence that those who suffer sanctions do not always understand why or understand the nature of the sanctions, so any assistance is to be welcomed.

Amendment No 16 from the SDLP is on the continued payment of benefits while an appeal against a sanction is being heard. Again, I do not believe that people for whom, in some cases, it will be their only source of income should be punished because of mistakes by the Department. The continuation of the payment while an appeal is being heard would ensure that those who have been sanctioned incorrectly do not suffer a financial penalty, while those who have been sanctioned correctly under the rules would receive the same length of sanction and the principal sanction, to which I am opposed, under the current proposals. Therefore, as the proposals stand, those sanctions would still be applied.

Amendment No 4 requires companies in the private sector to which work is outsourced to be human rights-complaint. It is important, where a private company carries out duties that would otherwise have been carried out by a public body and that essentially pertain to its role, that it should adhere to the same standards. I support amendment No 4 for that reason.

12.15 pm

Amendment No 27 mirrors an amendment that I brought forward at Consideration Stage, which was petition-of-concerned, something that has not yet happened this time around. The amendment would ensure that workers are treated equally, regardless of whether they are UK citizens or EU workers. That is right in order to ensure fairness and equality but also to ensure that we do not implement a law that is contrary to EU regulations, thereby making us liable to significant infraction penalties.

Mr Dickson: I thank the Member for giving way. I appreciate the importance of the point about other EU nationals. Does he accept that, during the three years in which the legislation has been in place in the rest of the United Kingdom, there has been neither a legal challenge nor any research indicating that that is a problem and that the amendment is therefore unnecessary?

Mr Agnew: I thank the Member for his intervention. I do not know whether he is saying that he supports the provisions in the Bill. I expressed my disappointment that Anna Lo had taken her name off the amendment that she brought forward at Consideration Stage, leaving me as the signatory to speak to it. I do not know whether Anna Lo or the Alliance Party has changed its position on the issue. As I stated, it is an issue of fairness, and one that may have legal consequences. Of course, I do not want to see Northern Ireland subject to infraction penalties, and the best way to avoid that is to treat two workers in the same job who are made unemployed for the same reason equally and fairly and not to discriminate on the basis of nationality.

I move on to the Minister's amendments, which I will talk about briefly. Amendment Nos 13 and 14 provide for regulations to stipulate what other evidence besides medical evidence can be taken into account. I look forward to hearing the Minister's intention in proposing them. I certainly have no objections to them at this stage. Amendment No 18 provides for a report on standards of advice and assistance, and, again, I await the Minister's explanation. Amendment No 20 would have the effect of adding universal credit to the rate relief scheme. My understanding is that that would recognise the migration of housing benefit to universal credit, and I assume that it would ensure that the same standard of rates relief applied.

Obviously, amendment No 22 is key; it concerns the power for implementing the discretionary payments, and it details how that will operate. I welcome that. I want to be clear: the budget that has been set aside to mitigate welfare reform is to be welcomed. My problem is when people say that no one will be worse off when welfare reform is implemented in Northern Ireland because the figures do not stack up.

The Northern Ireland Council for Voluntary Action report estimated that welfare cuts, if implemented as in GB, would see a £250 million loss to people on benefits in Northern Ireland. The then Minister Nelson McCausland, in answer to me, stated that the figure was more in the region of £115 million. We are now being told that £90 million or thereabouts a year, or £565 million over six years, is sufficient to ensure that no one is worse off. My calculations cannot equate those figures. To me, it will still mean the implementation of welfare cuts in Northern Ireland. They will be mitigated by the £565 million, but they will certainly not be negated. We are yet to see the detail of who will be worse off in Northern Ireland. That is where my concerns lie.

I have addressed amendment No 23, which concerns the Department's duty to ensure free, but not independent, advice. Amendment No 26 relates to Royal Assent for amendments should they be passed by the Assembly today.

I conclude on this group of amendments. I look forward to hearing the debate on each of the amendments. I hope that it can be a more open debate than that at Consideration Stage, which was closed from the outset because of the many petitions of concern.

Mr Speaker: Before I call the next Member to speak, I advise that the Business Committee has agreed to meet at 12.30 pm. There is then the reception for former Speaker Lord Hay. I hope that as many Members as are available will attend that. The next Member called to speak should keep an eye on the clock. You will be the first person called after Question Time to conclude your remarks.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. It is my understanding that a lot of the issues raised in these amendments were dealt with. It is also my understanding that, eventually, there was a five-party agreement to deal with them. I do not yet know whether Mrs Kelly is up to speed this week. I wonder whether she stayed away from meetings, like her fellow travellers in Newry and Mourne

council did, to ensure that she did not have to make any decisions on all this.

I am a bit confused by some of the amendments. We have amendments about sanctions that state that people should be informed about sanctions. Those amendments come from a party that wanted two-year sanctions — not one-year or 18-month sanctions; it was quite happy to go with two years. I watched Mrs Kelly on 'The View' on Thursday week past, after the original debate. Mr Agnew quoted the Minister from Hansard. In relation to the so-called bedroom tax, the Minister said that there would have to be:

"a significant change in their personal circumstances or they are offered suitable alternative accommodation." — [Official Report, Vol 101, No 9, p 24, col 2].

From what I heard, Mrs Kelly said that the Minister said that there were two options. It was almost like the common selection scheme in the Housing Executive: you were offered two choices, and, if you did not take one, you are out. She did not mention anything about the interpretation of "a significant change" in personal circumstances or "suitable alternative accommodation". I mentioned it in the last debate and I will mention it again. When the Social Development Committee was briefed by the Housing Executive on the so-called bedroom tax, we were told by Housing Executive officials that were it to be introduced, they simply could not cope with it because there was no suitable alternative accommodation. They said that it could take six years or possibly eight years before suitable accommodation would be available.

Mr Agnew: Will the Member give way?

Mr Brady: Yes.

Mr Agnew: Can the Member be clear, then, whether his position is that he does not support the bedroom tax where there is no suitable accommodation or that he does not support it at all? If it is simply that he does not support it where there is no suitable accommodation, then he is saying that people on benefits — if they become unemployed and are in a three-bedroom house and are deemed to need only one — should pay more or move to suitable alternative accommodation. Which is it?

Mr Brady: I thank the Member for his intervention but I think he missed the point. I was saying that there is no suitable alternative accommodation available. I certainly do not

support the bedroom tax. In the agreement that was signed on 19 December by the five parties, we neutralised the bedroom tax and the benefit cap.

With the Assembly's indulgence, I want to draw the Member's attention to another matter. He talked about the discretionary fund but seemed to mix it up with the supplementary payment fund. It is my understanding that the discretionary fund is a completely different thing, which is to replace the social fund. I know that the Member had difficulty dealing with the discretionary fund commissioner and inspectors the last time, which indicates to me, with respect, that he did not have a lot of experience of dealing with the social fund commissioner or, indeed, the social fund inspectors.

He seems to be mixing up the two, because the discretionary social fund was giving us, in some ways, the opportunity to be innovative. It was going to include people on low incomes — the working poor, as they are termed. The supplementary payment fund is a completely different thing, which is going to ensure that people do not lose out. With respect, I would say that the Member is scaremongering and sowing seeds of doubt. As someone who has been dealing with this since I came here in 2007, I have not heard the Member shouting from the rooftops about cuts over the past four years. It seems to be a fairly recent development in the Member's repertoire, for want of a better word.

Mr Agnew: I thank the Member for giving way. He may point out my failings and that is fine; it is certainly not the first time that I have stated my opposition to the cuts. I have done it consistently and, indeed, it was in my election manifesto and election leaflet. The Member spoke about my failings, but is he saying, then, that there are no possible circumstances whereby there will be suitable accommodation and where the bedroom tax will be implemented? Is he saying that there is nowhere in Northern Ireland where that will happen and that the Minister's words are, effectively, meaningless and that the bedroom tax will not be implemented and no one will suffer from it?

Mr Speaker: I remind Members that it is almost 12.30 pm. *[Interruption.]* I am not stopping you; I am just reminding you of the time.

Mr Brady: I thank the Member for his intervention, but the Minister quoted his own constituency last week where 32% of the

people on the waiting list are looking for one-bedroom accommodation. Whatever the Minister wants or does not want, the Member would maybe need to talk to the Minister about that.

The point I was making about the sudden campaign, or crusade, against these cuts is that it has come fairly lately. The Member also mentioned the fact that debate was stifled last week, but if it was stifled it did not stop some people from talking an awful lot, because I had to sit and listen to it for six and a half hours.

If it is OK, Mr Speaker, I will continue after the break.

Mr Speaker: Thank you. The Business Committee has agreed to meet immediately after the lunchtime suspension today. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time and, thereafter, Mickey Brady will resume his contribution to the debate.

The debate stood suspended.

The sitting was suspended at 12.29 pm.

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

2.00 pm

Oral Answers to Questions

Agriculture and Rural Development

Mr Deputy Speaker (Mr Dallat): Question 4 has been withdrawn.

Bovine TB

1. **Mr Rogers** asked the Minister of Agriculture and Rural Development what steps she is taking to further reduce the incidence of bovine tuberculosis in Northern Ireland's cattle herd. (AQO 7647/11-15)

Mrs O'Neill (The Minister of Agriculture and Rural Development): Go raibh maith agat, a LeasCheann Comhairle. Members will know that my Department takes bovine TB very seriously. We have a robust EU Commission-approved TB eradication programme in place that is based on testing to detect infected cattle, removing infected animals and reducing the risk of disease spread through movement controls and other biosecurity measures. The same disease-control measures are applied to beef and dairy herds.

Every TB breakdown is subject to an epidemiological assessment by a DARD veterinary officer, and specific public and animal health advice is provided. In addition, disease-control measures are instigated to prevent the spread of bovine TB to and from herds. Post-mortem and laboratory test results, including strain-type information, are provided to the farmer during a confirmed TB outbreak, as are biosecurity advice and advisory leaflets.

Widely published research over the years means that the main risk factors for a herd having a TB breakdown are well known. Advice on how farmers can best protect their herd is publicised on the DARD website. However, TB is a complex and multifactorial disease, which means that it is often not possible to determine with a reasonable degree of certainty a single cause of infection for every TB breakdown.

I have made it repeatedly clear that my objective is to progressively reduce the level of TB here, with the ultimate aim of eradicating it from our cattle herds. That is why I

commissioned a TB strategic partnership group to prepare an eradication strategy and implementation action plan. The group has commenced its work and recently obtained initial consultation input from industry representative organisations and interested individuals. I look forward to the group's interim report, which will be presented in June 2015.

Mr Rogers: Thank you, Minister. Will you outline how the test and vaccinate or remove (TVR) pilot study, which deals with badgers, that is taking place in parts of County Down is progressing? What results have been gleaned so far from that study? When do you hope there will be a radical reduction in the level of bovine TB, like there is in Scotland?

Mrs O'Neill: The first year of the TVR wildlife intervention research project has been successfully completed in the Banbridge area of County Down. Fieldwork is due to commence again in June 2015. Some 280 individual badgers were captured, sampled, microchipped, vaccinated and released, and there were a further 350 recaptures. Those recaptured badgers were released following identification checks.

As the Member is aware, TVR is a research project, rather than a strategy or pilot programme. Findings from the project should be able to provide us with an indication of how effective the TVR approach is and should then inform us on a longer-term strategy.

One aim of the project is to assess the feasibility of the sett side of TB testing captured badgers. Only one test is commercially available at present. Over the next few months, testing of the samples from all the captured badgers will be completed, along with the evaluation of the field data. We need to be reasonably sure that there is nothing significant to prevent the use of the test in year 2 of TVR and beyond. So, there is quite a significant body of work to do.

Alongside that, we have the TB strategic partnership group working to look at every aspect of TB eradication and at how we get to a stage when we drive out the disease. Obviously, we are all keen for that to happen. That is a significant body of work, and, as I said, I look forward to getting that group's interim report in June 2015.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí. I thank the Minister

for her answers. Is she content that the TB strategic group is on track to achieve its aims?

Mrs O'Neill: Yes. The new group has been tasked to act in the public interest to develop a long-term strategy for the eradication of TB in cattle here. As I said in the initial answer, the group is very much engaged at this stage in fact finding. It has received presentations from DARD officials and the Agri-Food and Biosciences Institute on TB-related issues. It recently completed a consultation exercise. The group is considering all those responses and is meeting the responders where it feels it is appropriate. As I said, they intend to produce the report to me in June 2015 and to have a final strategy with an accompanying action plan in place by the end of this year. We need to look at lessons that have been learned. One of the lessons that has been learned in New Zealand and Australia is that the eradication strategy works best when the industry is in the lead and where government and industry share responsibilities and costs.

Our relationship with stakeholders is enhanced when there is genuine partnership between the industry and government. The work that we and the strategy group are involved in is vital in getting us into a position where we drive out the disease.

Mr Swann: The Minister said that one of the key factors is removing infected animals from herds. What is she doing to improve the time that the Department takes to remove reactors from farms?

Mrs O'Neill: The Member can write to me about any particular instances if he wants. That is not an issue that has been highlighted to me as a major concern in the industry, but if there are any delays in the Department lifting reactors and the Member wants to talk to me outside Question Time about that, I am very happy to have a discussion with him.

Rural Poverty

2. **Mr McAleer** asked the Minister of Agriculture and Rural Development how rural communities and dwellers will benefit from an extension to the tackling rural poverty and social isolation framework. (AQO 7648/11-15)

Mrs O'Neill: I remain firmly committed to tackling issues of rural poverty and isolation, and I am delighted to have extended the tackling rural poverty and social isolation (TRPSI) programme into the 2015-16 Budget

year, with an associated extension to the Programme for Government target of £4 million.

Plans are well developed to continue to assist rural transport, access to rural transport and associated health issues; to maximise access to benefits and services; to support rural community development; to support youth employment and entrepreneurship; to assist in tackling fuel poverty; and to assist on broadband issues. In addition, officials are looking at options for support to help community and voluntary groups to provide much-needed resources for their communities.

There is much focus on ensuring that all tackling rural poverty and social isolation funding is targeted at making life better for rural dwellers who are living in isolated and deprived areas and at building on the great achievements in the past number of years.

Mr McAleer: Go raibh maith agat. I thank the Minister for her answer. Can she provide details of any new initiatives that the TRPSI programme may offer in 2015-16? Go raibh maith agat.

Mrs O'Neill: The work to date and the premise around all tackling poverty work has been on three key areas: access, financial poverty and social isolation. All the initiatives that we have taken forward have been very effective in meeting the aims and targeting those key areas.

The Member is very aware of the assisted rural travel scheme, which we intend to do more of in the next year. The rural support charity provides a listening ear for farmers and rural families, and I want to support its work. On rural community development work, the networks on the ground do fantastic work to empower and lift the skills range in rural communities and rural community groups to access funding. The rural youth entrepreneurship programme helps unemployed rural young people to develop their skills and to get into new areas of work.

Alongside all that work, and other things that I have not mentioned, are some of the new initiatives that we are looking towards, particularly around the availability of transportation vehicles for rural community and voluntary groups. I have asked officials to bring together something like that, and that is something that I am keen to roll out next year. When I am out and about talking to community groups, that is something that is often requested.

Other areas that we are scoping include making a small capital grants scheme available to community and voluntary groups to allow them to purchase smaller capital items that they may require. So, we are working all that up, and I intend to roll-out a scheme of that nature in 2015-16.

I am also very keen that we work with other Departments. I have asked officials to liaise with other Departments on how we can work collectively, particularly to build on the good work that we have completed in the past with DCAL on the Health in Mind project and to address fuel poverty. We have a great opportunity with the money that I have prioritised for those initiatives to make a real difference in rural communities.

Mr McCarthy: Go raibh maith agat, a LeasCheann Comhairle. How does the Minister think the proposed cuts in rural transport will affect — indeed, improve — social inclusion? Is the Minister in dialogue with Translink to overcome those problems?

Mrs O'Neill: I am not in direct dialogue with Translink, but I can assure the Member that, in the next financial year, I will continue to fund the work that I am involved in on rural transport in conjunction with DRD. I have made that clear. My officials are talking with the DRD officials about what their budget input is going to be, but I can certainly give an assurance that I am committed to making sure that I take forward the assisted rural travel scheme. That is the joint initiative that we have with DRD.

The other thing that will be very important in the future is that I am about to bring rural proofing legislation to the Floor of the House. I think that all Departments need to be mindful of rural communities when they are taking decisions on budgets. That legislation, on which I hope to have a good conversation with all Members of the House over the next wee while, is going to be necessary, particularly given the financial climate that we are in, if we are serious about making sure that there is equality for rural people and rural dwellers when it comes to making budget decisions and policy decisions for Departments.

Mr A Maginness: I thank the Minister for her detailed responses, particularly in relation to social isolation. Can she quantify the rural development programme moneys that will be specifically targeted at rural isolation and, indeed, combating rural poverty?

Mrs O'Neill: Yes, under the current Programme for Government in the current CSR period, we set out £16 million, and I have set aside £4 million for the further year that we are going to have in the CSR period. That may not, in the scale of things, sound like a significant pot of money, but it has acted as leverage funding, and we have been able to work in partnership with other Departments. I think that we have leveraged in, maybe, an additional £11 million on top of that, so there is significant investment across quite a range of issues, on everything from fuel poverty to employability for young people, to the small capital grants scheme. All the work that we are involved in is very valuable.

Mr Buchanan: One of the difficulties in some isolated rural areas is still access to broadband. How do you see this addressing that issue in areas where there is still a black spot as far as broadband is concerned?

Mrs O'Neill: I absolutely agree with the Member that broadband is a big bugbear of people in rural communities who find themselves with no access to it. It is obviously the responsibility of DETI to take forward broadband, but I feel that my Department has a role to play in trying to plug the gaps for people in rural areas who do not have a connection or who may have a connection but the speed is not worth having. I set aside funding during the last and current CSR, and I have set aside funding again under the new rural development programme.

There is a small pot of money so that we will be able to look at bespoke arrangements for small villages and small pockets of population. The Member will know well that the big providers do not go into rural areas where there may be 10 houses spread out over quite an area. I feel that it is my responsibility to try to work with DETI to try to bridge the gaps that are there. As I said, we have set out funding under the rural development programme. We have also set aside funding where we are working with DETI. We have looked at all the postcode areas that do not have a connection, and I have used deprivation stats to prioritise the areas that we touch on first. I can certainly give an assurance that I am going to do all that I can to target and plug the gaps in broadband provision.

Pig Processing: Price-fixing

3. **Mr Allister** asked the Minister of Agriculture and Rural Development whether she is aware

of any evidence of price-fixing in the pig processing sector. (AQO 7649/11-15)

Mrs O'Neill: While the price paid to producers and pricing structures in the pig processing sector are commercial matters outside of my Department's remit, I believe that all elements, the supply chain, producer and processor alike, should work together to ensure that the pig sector in the North remains profitable and sustainable.

I am not aware of any evidence of price-fixing in the pig processing sector, but if my Department was to discover or be presented with any evidence of such activity, the matter would be immediately referred to the Competition and Markets Authority for investigation, particularly in relation to any allegations of anti-competitive activity.

My Department will continue to do all that it can to improve efficiency and competitiveness, build resilience in the pig sector and help to develop new opportunities and grow markets across the EU and beyond, especially in the Far East. I recently met local pork processors to discuss access to new trade markets, including China and Australia. My officials are working to secure access to those markets, which would hopefully mean greater returns for the pig sector. My Department is hoping to host the inspections necessary to secure approval to export to those countries in the first half of this year.

Mr Allister: The Minister will be aware of the great concern among pig producers as to the huge disparity that arises between the price paid in Northern Ireland and the price paid in GB. A differential of 4p or 5p per kilo might be understandable, given the transport costs, but, when it reaches something of the order of 18p, there has to be another explanation.

The processors themselves have been far from transparent about it. What does the Minister think that the explanation is, if it is not suppression of the price for mutual benefit among processors?

2.15 pm

Mrs O'Neill: I absolutely agree. I agree with the industry about the differential. I do not think that the differential is acceptable. I do not think that it is explainable by the difference in the transport cost when you weigh it up. I know that the Agriculture Committee recently had a presentation in which this was very much explored. Transport costs are being used as an

explanation, but I do not really believe that they are reflective of the actual costs that would cause the differential.

For me, it is about trying to explore the new markets. That creates more demand, which should, in turn, create an increase in price. That is very much where I feel that my role is in being able to help and assist the industry to grow. We are very much looking forward to a visit from the Chinese inspectors before the end of March and the Australian authorities before the end of June. These are all areas where I can make a difference and can be effective in helping the industry.

Suffice to say that farmers deserve a fair price for what they produce. That goes for the pig sector or any other sector out there, and we have always said that. When the Enterprise, Trade and Investment Minister and I met the new Going for Growth group when it came into place, we made it very clear that we must have fairness across the supply chain. We can have all the wonderful plans that we want, but they will not be effective if we do not help to sustain the farmers going forward.

What can we and my Department do? It is about exploring new markets. It is about working with the sector. It is about helping them with efficiency. It is about providing grant aid to help them with all those aspects. If there is any evidence that identifies any sort of price-fixing, we need to get involved and, as I said, report that to the Competition and Markets Authority.

Mr Byrne: The Minister has talked about trying to extend to markets beyond the EU. When can the Minister hope to get an export licence via London to make sure that pork and other products can be exported from Northern Ireland? Will she be raising this issue with Commissioner Phil Hogan when he visits Northern Ireland at the end of March? He is due to meet the Agriculture and Rural Development Committee that day for a meeting and lunch, and we hope to press him on a number of issues.

Mrs O'Neill: Yes, I am very happy to raise the issue with Commissioner Hogan when he comes on 24 March. I will also be meeting him before the Agriculture and Rural Development Committee, and we will have a number of engagements throughout his visit here that day.

In terms of securing our licences, it is DARD's remit to make sure that we have everything in place for the export certificates. It is about working with the industry to make sure that it

will meet the targets in the inspections of visiting officials from the different markets that we are targeting. Australia and China are particularly big markets for the pig sector at this time. I will be doing all that I can, including potentially visiting China for some political discussions on how we can make sure that we secure access into that market.

Mrs Dobson: Fairness in pricing is absolutely essential to the agricultural industry, yet the Minister has done little but express platitudes in her four years in office. In the event of price-fixing, even if it is commercial, what powers or actions can the Minister take in addition to expressing concern?

Mrs O'Neill: I have referred to it twice now, but the Competition and Markets Authority is the place that we will go. If the Member has any evidence to suggest that there is price-fixing going on, my door is always open. Bring it to me, and I will take it to the appropriate place that I need to take it. We need to make sure that the industry is supported. I can stand over way more than platitudes. I can stand over what I do to help the sector. I can stand over the work that the Department is doing around looking at efficiency through our College of Agriculture, Food and Rural Enterprise (CAFRE) advisers, sustainability, cash flow and all those areas of work.

Outside of that, if we are going to try to guard the industry against the fluctuations in prices, one of the areas that we are going to have to be very serious about being involved with is export growth and the markets that we are targeting. I have referred to the work that we are doing in relation to China, Australia and other markets that the industry identifies as its target markets. There is quite a lot of work going on. I reiterate that, if there is any evidence to suggest that there is any price-fixing going on, please bring it to me. At this time, I have nothing on my desk to suggest that it is.

Mr McMullan: Go raibh maith agat, a LeasCheann Comhairle. Minister, would you agree with me that all the new trade opportunities for the pork industry that you have mentioned represent the best way forward not only for prices in the market but in installing confidence within the pork industry?

Mrs O'Neill: Yes, absolutely. I held a meeting with the pig industry back in January. They advised that being able to export to Australia and China would enable the processors to pay more for their pigs, due to the returns for these markets. Therefore securing approval to export

may mitigate the impact of other market forces, however it would obviously still be a commercial issue between the processor and the producer.

It comes back to fairness in the supply chain and making sure we have markets that we are able to sell into. I am hopeful that, in the time ahead, we will be able to open up these new markets, which will be a lifeline to the pig industry and the other markets we are targeting for beef, dairy and all the other sectors.

Rural White Paper Action Plan

5. **Mr Sheehan** asked the Minister of Agriculture and Rural Development for an update on the rural White Paper action plan. (AQO 7651/11-15)

Mrs O'Neill: The second annual progress report on the rural White Paper action plan was published on the DARD website in December 2014. It provides details of the progress made by Departments in implementing their commitments in the action plan during the period from the launch of the initiative in June 2012 up until 30 June 2014. The report indicates that Departments continue to make good progress in implementing their commitments, with most on track to be achieved in the time frame specified. I see the rural White Paper action plan very much as a live initiative that continues to respond to the needs of rural dwellers. I have therefore asked my Executive colleagues to identify new and challenging actions to be included in a refreshed action plan, which I hope to finalise during 2015.

With budgets now set for 2015-16, my officials are engaging with members of the interdepartmental committee on rural policy to encourage Departments to identify new actions that will make a meaningful contribution to the quality of life of our rural communities. I am pleased with the progress made by Departments in implementing the commitments in the current action plan, and I will continue to work with my Executive colleagues to ensure that this important rural initiative continues to deliver real and positive benefits for those living in our rural areas.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a freagra. Can the Minister detail the policy objectives of the new rural proofing Bill?

Mrs O'Neill: The proposed Bill will support the equitable treatment of rural dwellers by

requiring that their needs and the impact on rural communities be appropriately addressed in the development and delivery of policy and public services. The Executive signed up to rural proofing back in 2002, and I want to strengthen that commitment by making sure that rural issues are an integral part of the development of government policy on public services and that consideration of the needs of rural dwellers is firmly embedded across government. The Bill proposes to introduce a duty on all Departments and local councils to consider the needs of people living in rural areas when they develop strategies, policies and plans. That will place the Executive's existing commitment to undertake rural proofing on a statutory footing.

The policy objectives of the proposed Bill require the effective implementation of rural proofing across government; the establishment of DARD's role in promoting and encouraging rural proofing across government and providing advice and guidance, where necessary; making information and data on rural proofing available in a transparent way in a report that will be laid before the Assembly; and the putting in place of effective arrangements for cooperation between public authorities and sharing best practice.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire as a freagraí go dtí seo. I thank the Minister for her answers so far. The Minister referred briefly to putting rural proofing on a statutory footing. Could I ask the Minister what she has in mind by that and how would she suggest mainstreaming that across all the other Departments that have a meaningful and significant impact on rural dwellers?

Mrs O'Neill: The Bill sets out very clearly what we are trying to achieve. The objectives, to which I have just referred, are really about putting on a statutory footing the need for rural proofing to happen during the development of policies, plans and strategies, whether that be in government Departments or, indeed, councils, where it is also important that it happens.

While there is a commitment across government Departments to rural-proof — my Department is involved in training policy people across all Departments — it is important that there is a statutory obligation on all Departments and a mechanism whereby all Departments have to lay before the Assembly for scrutiny and discussion what they have done to make sure that they protect the rights of rural dwellers. We have a real opportunity here to put in place really effective arrangements

that will make a real difference to the lives of rural dwellers. It will also be an opportunity to enhance the effectiveness of cooperation across government Departments and councils.

Mr Cree: Does the Minister accept that the current annual reporting system is really a waste of time? Instead of simply asking each Department what it has done during the year, would it not be better to give Departments targets or key performance indicators that they can be measured against?

Mrs O'Neill: The Bill will be an opportunity to build on and improve what is there. What is there is a starting point; it was, I suppose, an attempt by the Executive at the time to bring rural proofing onto the stage for Departments. I am trying to make sure that it is more effective. The draft legislation that we have set out will include an obligation on Departments to lay reports that will be open to scrutiny. All Members will have an opportunity to look at those. This is necessary work, and I look forward to it being debated.

We are out consulting rural communities and rural dwellers. I encourage everybody to take part in that, particularly all elected Members, and to voice your support for the Bill going forward. I look forward, as I said, to the discussions that we will have in the House.

Fisheries Fund: South-east Area

6. **Miss M McIlveen** asked the Minister of Agriculture and Rural Development what proportion of the south-east area European Fisheries Fund moneys have been distributed, or are allocated for distribution, to each of the commercial fishing communities. (AQO 7652/11-15)

Mrs O'Neill: To date, £1·255 million south-east area European Fisheries Fund (EFF) funding has been allocated to projects in the Kilkeel area, £0·102 million to Ardglass-based projects and £0·186 million to Portavogie. A further £0·533 million has been awarded to projects that span all three target areas, with benefits shared across all three villages.

Miss M McIlveen: My supplementary question concerns the reported situation in Portavogie, where the council has accepted a letter of offer from the South-east Area Fisheries Local Action Group (SEA-FLAG) for a 3G pitch after a lengthy and robust six-month process, including obtaining planning permission and a thorough consultation, only to be told that the offer has been withdrawn. Meanwhile, DARD officials

have informed the local press that the offer might not be withdrawn but would instead be subject to an economic appraisal. Will the Minister please provide an explanation of why so many conflicting messages are being sent out and assure the people of Portavogie that they will not be short-changed in the distribution of these moneys at the expense of perhaps more politically favourable projects in south Down?

Mrs O'Neill: The Member will be very aware of how the decisions are made. I will try to make it very clear for you: it is not about favouring any project; it is about making sure that we have gone through all the concerns, objections and issues that have been raised.

I will try to make this very clear and succinct. SEA-FLAG has received an application from Ards leisure centre seeking EFF funding of £302,171 for a synthetic football pitch in Portavogie. That application was presented to my Department for approval, following a recommendation by SEA-FLAG. However, in assessing the project, concerns have been raised about how the project meets the objectives of the funding programme, the timescales to complete the project and the benefits for the community. Those are three key issues that we need to overcome. If we are able to do that, I do not have or foresee a problem with the Department allowing the recommendation to go further.

The Department has recommended that, before any offer of grant is made, a full independent economic appraisal is required to examine critically the need for the project, the full range of options available to address that need and the preferred options that offer the best value for money. If the project benefits the local community and stands up to the scrutiny of the economic appraisal, I do not foresee a problem. For clarity, I hope that that sets out exactly the issues that we are trying to work through. The Member will also be very aware that I am keen to make sure that we spend every available penny in these communities. I am very keen to do that, so there is absolutely no barrier from DARD's point of view in trying to get that project spend on the ground.

Mrs McKeivitt: On the distribution of the European Fisheries Fund moneys, will the Minister give us an idea of what onshore job creation there has been in Kilkeel and Ardglass through that much welcomed investment?

Mrs O'Neill: The investment was much welcomed. I do not have the stats with me on

job creation, but the Member will be aware of some of the really worthwhile projects that have been brought forward under EFF funding. Obviously, that pot of money is now closed, but we look forward to the new pot of funding and all the opportunities that there will be for the industry and the local community that surrounds the fishing villages. I am happy to provide the Member with the job creation figures in writing.

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

2.30 pm

DARD HQ: Ballykelly Costs

T1. **Mr Nesbitt** asked the Minister of Agriculture and Rural Development to refresh the House's memory about the projected costs of moving her Department's headquarters to Ballykelly. (AQT 2161/11-15)

Mrs O'Neill: I do not have the exact figures, but they are around £30 million of resource and £12 million of capital. Needless to say, it has all been well costed and clearly set out in the business case.

It will be a fantastic project for the north-west. I was in Ballykelly in the last number of weeks, and I met community groups and elected representatives who are keen to see the project on the ground. It is a big opportunity for the Executive to show their commitment to rural areas and to decentralising public-sector jobs.

The Member will be aware that I have set out not just the move to Ballykelly but for fisheries division to south Down, Forest Service to Fermanagh and Rivers Agency to Loughry. For me, this is clearly a win for those rural communities and for people who work in the public service and want to find opportunities outside the greater Belfast area. The economic benefits of the move are set out very clearly and stand up for themselves. As I have set out clearly in the past, we are on target to deliver it.

Mr Nesbitt: I thank the Minister for that answer. On the point about decentralisation, she will be aware that Coleraine has vacant government buildings. Why has she not considered those as a viable alternative?

Mrs O'Neill: The Coleraine issue arose after the fact and after decisions had been taken about the move. I have said many times in the House and I can provide it to the Member in

writing, if he needs that reassurance, that we very clearly set out all the available areas that we could look at. The north-west was identified on the basis of objective criteria. It was also prudent, in that there was Executive-owned land there that we could utilise. Again, I will clearly set out the benefits of moving to the north-west: it will be a fantastic opportunity for investment in the north-west, for decentralising public sector jobs and for giving rural people an opportunity to avail themselves of public-sector jobs without having to travel to the greater Belfast area.

Single Farm Payment: Information for Farmers

T2. **Mr I McCrea** asked the Minister of Agriculture and Rural Development whether she is content with the information that her Department has given to farmers about the new single farm payment arrangements that are being implemented this year. (AQT 2162/11-15)

Mrs O'Neill: It is certainly a time of big change for all farmers, given that we are going through the CAP reforms. We are working hard to provide all that information through a number of avenues, including DARD Direct offices and our website, on which we have put out a lot of information. Throughout the process, as we have received more information, we have put it out there for farmers.

A lot of queries are coming in, which we expected, particularly as we move into the 2015 single application form process for May. I encourage more farmers to go online. There are significant advantages for them and the Department in more people doing that. We are endeavouring to put as much information out there as possible, but, if the Member has picked up on something that we can improve or some means of getting more information out there, we would be happy to utilise that.

Mr I McCrea: A large number of farmers are losing their conacre land due to landowners starting to farm their land. Will the Minister issue clear guidance to give clarity on what conditions need to be met for a single farm payment to be claimed?

Mrs O'Neill: I forgot to mention that the Department is holding roadshows, which are also about trying to get the information out there. I have taken part in a number of roadshows, and the number of people coming to those shows that you are right: there is a demand for information.

One issue that continually comes up is that there may be a lack of conacre land because landowners feel that they will be able to make more money from holding on to their land. I encourage landowners to think carefully about that. I do not think that it will be as lucrative as people think, particularly as we move to a flat rate over the years. There is an online calculator on the DARD website that I encourage people to use. It will clearly show individuals what it will mean for them and the support that they might expect.

My other warning is to landowners who might try to cheat the system. This is about active farmers, and we need the money to go to active farmers. That is what the reform is about, and I am very wedded to that. Checks will be carried out to make sure that people are indeed active farmers. We are in a bit of a difficult situation, in that all of us would like to have seen Europe go further with the definition of "active farmer". However, that has not been the case. Therefore, we have to work within what we have, but we are endeavouring to get as much information as possible out to all farmers.

Single Farm Payments: Administrative System

T3. **Mr D McIlveen** asked the Minister of Agriculture and Rural Development whether she believes that the system for administering single farm payments is much better today than it has been in previous years. (AQT 2163/11-15)

Mrs O'Neill: Yes, I do. You can clearly see that from the improvements that we have made year on year in our targets for making single farm payments. In 2014, we exceeded the target. I want to continue to build on that. We have done so over the past number of years, and that is something that I am very committed to, particularly given all the issues that face the farming sector. Cash flow is a major issue, so getting farmers their single farm payment on time is key. I am content that we have made vast improvements and will continue to do so.

Mr D McIlveen: I thank the Minister for her answer. In the knowledge that the system that we have at the minute is an evolving system and, as the Minister rightly said, one in which improvements have had to be made, does she believe that, where decisions have been taken erroneously by the Department or where the Department has made mistakes in calculations in what was clearly an imperfect system, it is right that farmers — not those who, to use her words, "try to cheat the system" but those who

were genuine and made no mistakes — continue to be pursued for the outstanding amounts?

Mrs O'Neill: The Member will be aware that we have an appeal process in place. That is there to protect the farmer, and it is a vital service alongside the Department administering single farm payments.

Yes, you are right. I understand the frustration that anybody would feel, particularly if there has been a Department error, but, if farmers feel that they have not had a fair outcome from an inspection or have concerns about how they are being treated by the Department, I encourage them to avail themselves of the appeal process.

Beef Products: USA Market

T4. **Mr Attwood** asked the Minister of Agriculture and Rural Development for an update on where we are and Britain is in accessing the American market for the sale of beef products, given that she will be aware of Minister Simon Coveney's recent visit to America, which, in substantial part, was to promote the sale of Irish beef, now that that is available. (AQT 2164/11-15)

Mrs O'Neill: It is an ongoing discussion that I have with Simon Coveney. We are meeting again on Wednesday at the North/South Ministerial Council, so that will be a standing item for discussion. We have a very effective group in place comprising DARD and the Department of Agriculture, Food and the Marine (DAFM) in the Twenty-six Counties. That group comes together to work, particularly on trade. Obviously, new markets have opened up for the Twenty-six Counties, and we want to get in on some of that. Work is ongoing to allow us to follow suit and to have access to those markets.

Mr Attwood: I thank the Minister for her answer so far, but, to be more specific, where are we with export licences for relevant products for America? It is one thing to work with Simon Coveney, which is very welcome, but, if we are not able to access the same markets for some of the same products, it is hard to work with somebody in those circumstances.

Mrs O'Neill: It all comes down to export certificates. The Member knows well that, in negotiations that we have with other countries, no matter what other market we are targeting, we have to work with the Department for Environment, Food and Rural Affairs (DEFRA) in England. We have a strong relationship with DEFRA when it comes to trying to get into

those markets. We are working with it at the minute on trying to open out the Chinese market. As I said, we will have inspectors here before the end of March, and I know that they are visiting some factories in England. I am very much taking a two-pronged approach. I am working with DEFRA on trying to get access to markets, but I am also working with DAFM in the South to make sure that there are opportunities for the local industry to export and be part of the export certificates that it is able to achieve. That is something that is so beneficial for the local industry.

Rural Development Programme: Section 25 Analysis

T5. **Mrs Dobson** asked the Minister of Agriculture and Rural Development whether she is satisfied with the findings of the section 25 analysis of the Northern Ireland rural development programme for 2007-2013, particularly the ratio of Protestant and Catholic beneficiaries. (AQT 2165/11-15)

Mrs O'Neill: I do not know whether the Member is trying to point to there being discrimination in the rural development programme in relation to Protestant and Catholic beneficiaries, but that is certainly not the case. All projects are considered on merit. Your party colleagues sit on groups that distribute the funding, so, if there are any questions about how decisions are taken, I would be happy to hear from you about any issues that you have about discrimination. For me, the rural community is not about targeting Catholics or Protestants or about nationalism or unionism; it is about rural communities and supporting the people in rural communities. No matter what element or what projects come forward, there is an onus on the rural development programme to support all people in those rural communities.

Mrs Dobson: I thank the Minister for her answer. Does she accept that there was much room for improvement in the last programme? How will she ensure that the new rural development programme will have increased access for the PUL community?

Mrs O'Neill: We have a very strong stakeholder group in place for the current programme, and we will be putting our new stakeholder group in place. The group very much oversees and analyses the rural development programme, including, I am sure, any concerns about any community not having access to funding. The Member will be aware that we had in place a targeted area of work that helped the PUL community build capacity around achieving

funding. She will also be very aware that we did a lot of work with faith-based groups and encouraged them to look towards funding not just from the rural development programme but EU funding and all other avenues. There is a significant body of work ongoing, and I am sure that it will continue into the new programme.

Paramyxovirus: Pigeon Vaccines

T6. **Mr Swann** asked the Minister of Agriculture and Rural Development whether, given the paramyxovirus problem in our homing pigeon fraternity, of which she will be well aware, she knows of any restrictions on individual breeders importing vaccines. (AQT 2166/11-15)

Mrs O'Neill: There has been no change in the legislation relating to breeders importing vaccines. I think that the legislation has been there since 2005, so there has been no change recently. The vaccine is bought in from England through one of three areas: the veterinary service, wholesale pharmaceutical suppliers and another area that I cannot recall — I will get the Member the details. However, if he has any concerns, I am happy for him to talk to officials about any potential issue that he has picked up.

Mr Swann: I thank the Minister for clarifying that there may be a third issue. I think that it was possibly regarding homing pigeon societies and clubs and the facility being opened out for them to import the vaccine themselves.

Mrs O'Neill: Yes, I have just found a note. The pharmacist can import it, the vet can import it and the wholesale dealer or agricultural merchant can import it. The pigeon does not have to be medically examined by any of those people. However, there are some protocols in place, and maybe that is what the Member refers to. I will get officials to contact you to have further discussion.

Animal Cruelty Legislation: Implementation Review Update

T7. **Mr Lyttle** asked the Minister of Agriculture and Rural Development for an update on the review of the implementation of animal cruelty legislation. (AQT 2167/11-15)

Mrs O'Neill: I have an interim report on my desk, and I will discuss it with officials in the coming days. I then hope to report to Members.

Mr Lyttle: I thank the Minister for her response and look forward to hearing the interim findings on that important report. In addition to the wider review, will the Minister join me in condemning the concerning accounts that we have received of brutal cat poisoning in the Dundonald area of east Belfast and take the opportunity to advise members of the public how best to respond and seek action against that type of crime?

Mrs O'Neill: Yes, absolutely. I concur with you in condemning all acts of animal cruelty. The horrific case that we have witnessed has been a hot topic in the media over the last number of days. Thankfully, that case has gone through the courts and been dealt with, and I welcome the outcome. I commend the DARD staff for the work that they have done in seeking that prosecution and taking that case to court.

People should look towards the DARD website to see how to report animal cruelty, and they should look towards our DARD Direct offices to get support. If they have any issues at all, they should come forward and let our vets get involved and investigate properly.

Culture, Arts and Leisure

Mr Deputy Speaker (Mr Dallat): Questions 1 and 5 have been withdrawn.

2.45 pm

Windsor Park: Wheelchair Access

2. **Mr Frew** asked the Minister of Culture, Arts and Leisure to outline the discussions she has had with the Minister for Regional Development to ensure that people using wheelchairs will be able to access and exit Windsor Park via Adelaide Street railway station. (AQO 7663/11-15)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): I thank the Member for his question. I understand that the IFA has met the Regional Development Minister on a couple of occasions regarding the creation of a pedestrian link between the Adelaide Halt train station and the stadium. A planning application has also been submitted by the IFA for the creation of a pedestrian link from Apollo Road to the stadium on behalf of DRD and Translink.

The planned pedestrian link between Apollo Road and the stadium will be fully accessible by all and will provide improved links between the redeveloped stadium and Apollo Road. It is

envisaged that it will be operational for the completion of the stadia works.

Mr Frew: I thank the Minister for her answer on what is a very important issue to people who do not have the accessibility that we enjoy. There is an issue for Adelaide Street station because of the two tracks and getting from one side of the station to the other. At the minute, there is only a footbridge. That had a massive bearing at a recent cup final that Ballymena United managed to get to. A number of wheelchair-bound people found it very difficult to get from one side of the track to the other to go home. Does the Minister have any thoughts on how we can fix that problem?

Ms Ní Chuilín: I congratulate Ballymena United on getting to Windsor Park. I can see that the Member is quite chuffed with that and, hopefully, it will not be the team's last time there.

Disability access is key to all facilities in my Department and I know, through the sponsored work programmes with the IFA, Ulster Rugby and the Ulster Council of the GAA, that disability access is key to their plans. It is actually key to the planning application.

I am led to believe, and I have no reason to doubt it, that disability access, not just for one wheelchair but several, will be realised in the design of the bridge at Adelaide Halt train station and to the stadium and the Olympia Leisure Centre which is in the vicinity as well. It is important that we have full disability access — not just some access but full access — for people. We are trying to encourage people of all abilities to use our facilities and we cannot miss this opportunity with this development.

Mr Ó Muilleoir: Go raibh maith agat, a LeasCheann Comhairle, agus buíochas fosta leis an Aire. Ba mhaith liom ceist a chur faoin tSólann Olympia. It is great to see the Windsor Park development making steady progress, and the other piece of that jigsaw, as you mentioned, Minister, is the Olympia Leisure Centre. Will you spell out your Department's involvement in that development?

Ms Ní Chuilín: I thank the Member for his question. The Department has been working very closely with Belfast City Council and the IFA, particularly looking at the opportunity to develop the Olympia Leisure Centre in conjunction with the redevelopment of Windsor Park. As the Member may be aware, the IFA received £31 million for the Windsor Park

project, which involves a significant upgrade to bring it from a capacity of 14,000 to 18,000.

The project, therefore, seemed to have an opportunity, at the very early stages, to work in conjunction with Belfast City Council to develop community facilities which will be located within the east stand of the new Olympia Leisure Centre, attached to the rear west stand of Windsor Park. This is an exciting partnership between my Department, Belfast City Council and the IFA. As the Member may be aware, the Olympia Leisure Centre project contains an investment of £2,750,000 from DCAL, in partnership with Belfast City Council's £19 million contribution, to ensure that, when we have the opportunities that we have in south Belfast, we use them. I think it is money well spent.

Mr McKinney: I thank the Minister for her answers thus far. Is she in discussion with other Departments to open up access in other ways, particularly in other elements of public transport, to ensure maximum access and to link stadia to town centres?

Ms Ní Chuilín: The Member will be aware that as part of the redevelopment of Casement Park one of the issues flagged up as being problematic in the judicial review — apart from everything else that happened — was around traffic management. So, it is crucial that, in conjunction with providers such as Translink, the taxi association, private companies, and cycling as well, we improve access and provide for a better flow of traffic as a part of any new planning application that goes in. Discussions are under way with Translink and private firms about pedestrianisation, park-and-rides, making sure that there is better access to the stadia and that there is better signposting when that happens. I imagine that that will all be part of any new application that the Ulster Council of the GAA puts in.

This one for Windsor Park was included in its planning application, and, with the add-on of the Olympia Leisure Centre in south Belfast, signage will also need to be upgraded and updated.

Irish Language/Ulster Scots: Funding

3. **Mr Dunne** asked the Minister of Culture, Arts and Leisure what action she plans to take to address the funding inequality between the Irish language and Ulster Scots, which is at a ratio of approximately 10:1. (AQO 7664/11-15)

Ms Ní Chuilín: I thank the Member for his question. The ratio of funding for Irish and Ulster Scots from my Department has been, on average, 3:1 respectively. That is reflected in funding that my Department and its arm's-length bodies have provided to programmes and projects dedicated to Irish and Ulster Scots. The Executive remain wholly committed to affording equal respect and recognition to Irish and Ulster Scots, and the funding provided to each reflects their different stages of development and ranges of programmes, projects and supported organisations. Such funding is determined on the basis of approved actions in their respective business plans. I have made it clear on several occasions in the past that I will consider and give my full support to any initiatives that the Ulster-Scots community brings forward that will help community infrastructures. That remains my position.

Mr Dunne: I thank the Minister for her answer. Does she recognise her failure to comply with her own policies in her equality scheme, which states that DCAL:

"seeks to eliminate any inequalities which exist in the areas of its operations."?

What is the Minister doing to address the inequalities that exist between the promotion of the Irish language and Ulster Scots?

Ms Ní Chuilín: I find it a constant source of frustration that the Member and other Members on the Benches opposite make allegations that are particularly about my responsibility for creating inequalities. The Member has yet to write a letter and has yet to knock my door to ask for meetings with me or my officials. If this issue is of such concern to him, let me say that he has done very little between one Question Time and another. If I felt that there was inequality towards my community, I would take action to ensure that that was addressed, so I suggest that the Member is just using Question Time —

Mr Dunne: It is for you to address it.

Ms Ní Chuilín: — to score political points, and there certainly is no —

Mr Deputy Speaker (Mr Dallat): Order, please. The Minister will resume her seat. I take it very seriously, especially when a Minister is answering a particular Member, when that Member insists on shouting from a sedentary position. It had better not happen again.

Carry on, Minister.

Ms Ní Chuilín: Thank you.

Mr Cree: I also thank the Minister for her response. Minister, you had a very high-profile launch of the consultation on the Irish language Act in the Senate recently. Can you share with us some of the early responses to and the likely cost of that launch?

Ms Ní Chuilín: The launch happened this day fortnight ago, and it probably cost £100 or £200 or whatever the cost of transport and of hiring out here, which is minimal, to be fair.

On the early stages of the response, I can tell the Member that I intend to talk with as many people as possible, and I look forward to talking to him and other Members about their views on the consultation on the Irish language Act. Needless to say, I have been encouraged, albeit that it is 14 days later, that many people from civic society are coming forward with their own views, and even though they do not necessarily understand the need for an Irish language Act, they have expressed that in a very respectful way. I am pleased that that has set the tone, and, hopefully, it will set the tone for the remainder of the consultation.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle, agus mo bhuíochas leis an Aire as ucht a freagra. How much funding has been spent on the Ulster-Scots ministerial advisory group and the Ulster-Scots Agency since 2011?

Ms Ní Chuilín: I thank the Member for his question. I may need to write back to him with specific details. In the last completed tax year, the total amount of money spent on Ulster-Scots initiatives has been probably around £4,357,350. I need to break it down into the money spent on the Ulster-Scots Agency and on the ministerial advisory group for the Ulster-Scots Academy (MAGUS), and I know that there have been other initiatives. Over £2 million has been spent on the agency, and over £1 million has been spent on the MAGUS. I know that the Arts Council, libraries and NI Screen, through the Ulster-Scots Broadcast Fund, have also spent money. I will happily write to the Member with specific details of all spending on Ulster Scots, but, as the Member can see, it is certainly significant.

Culture: Rural Communities

4. **Ms Fearon** asked the Minister of Culture, Arts and Leisure how her departmental arm's-length bodies will ensure that there is improved provision of and access to their services in rural communities. (AQO 7665/11-15)

Ms Ní Chuilín: I thank the Member for her question. The Arts Council's five-year plan aims to increase the proportion of arts activities in rural areas by creating greater opportunities for marginalised rural communities to engage in the arts. That includes the development of a draft community arts strategy, which includes a commitment to working with rural stakeholders to promote greater access to, and take-up of, funding programmes. The activities of NI Screen, creative learning centres, after-school clubs, digital film archives and the work of the exhibition sector have given priority to disadvantaged and marginalised groups, particularly in rural areas.

Sport NI works closely with district councils through the Chief Leisure Officers Association and sports governing bodies to deliver sports and leisure opportunities for all communities, including those based in rural areas. As the Member will be aware, libraries have a statutory duty to provide a comprehensive and efficient library service, including to communities in rural constituencies. Libraries NI and DARD have entered into a memorandum of understanding to encourage cooperation and to work and support each other's customers and clients in rural areas through the provision of high-speed broadband in the 28 rural libraries and information on well-being and support programmes.

Ms Fearon: Go raibh maith agat a LeasCheann Comhairle. I thank the Minister for her answer. Will the Minister outline how young people in rural communities can benefit from creative learning centres (CLCs)?

Ms Ní Chuilín: As I said in my primary response, NI Screen has worked in partnership with three creative learning centres. One, in the Nerve Centre in Derry city, works throughout the north-west, including in rural areas. The second is the Southern Education and Library Board's AmmA centre in Armagh. The CLCs' activity gives priority to young people, particularly those living in poverty in disadvantaged and marginalised areas.

At the heart of the creative learning centres is work on alternative education programmes, which target areas of disadvantage in each

community. The creative learning centres received additional funding to extend programme activities, particularly in hard-to-reach rural areas that were previously not covered. That was achieved by the creative learning centres actively pursuing areas of social exclusion and deprivation. So, the creative learning centres deliver programmes for schoolchildren and young people, specialising in the use of new and creative digital technologies.

Mrs McKeivitt: Will the Minister assure the House that the proposed savings plan delivery for the Department's budget spend for 2015-16 will not disproportionately impact on the services of our rural communities?

Ms Ní Chuilín: The Member previously asked me about equality impact assessments. The delivery savings plans are quite detailed because we asked for an overarching equality impact assessment rather than a high-level impact assessment. DCAL has 11 ALBs, and we wanted to make sure that rural communities were not disadvantaged, so when we get the outcome of those, we will be able to compare and contrast. I will happily share those with the Member and with other members of the Committee for Culture, Arts and Leisure. We were keen to ensure that people living in rural communities were not disproportionately disadvantaged or even experienced further disadvantage as a result of Budget cuts to the block grant.

Mr Elliott: I thank the Minister so far. Has the Minister carried out any assessment of the distribution of funding from Sport NI between urban and rural areas?

Ms Ní Chuilín: Not in comparing urban with rural; it is primarily around programmes. In those programmes, it has to be on the basis of need, so it is not a percentage split between urban and rural. The Member may be aware that concerns were raised previously around the fact that rural communities and constituencies were not benefiting from the support of the creative industries innovation fund. As a result of that, I questioned the assertion that that was the case. It was down to the councils in those areas that had to put forward the application.

So, in response to Mrs McKeivitt's question, we are looking at spending plans around the Budget. We want to make sure that the budgets that we have are spent by being directed at need, and those needs are in rural as well as urban communities.

3.00 pm

Mr B McCrea: Can the Minister explain why she argued for NI Screen to get an extra £800,000 but did not make the argument for the Arts Council or Sport NI, both of which have reported that this will have detrimental effect on rural provision?

Ms Ní Chuilín: First of all, NI Screen had a deficit of almost £1 million going into the 2011 mandate. The impact of the 11·2% cut on some of the programmes, particularly for NI Screen in working in hard-to-reach communities, would have been at the level of a 50% cut rather than 11·2%. On the basis that it was always working at a disadvantage in comparison with the other arm's-length bodies, we felt that it was fair to try to bring it up to a level through the bid in January. I made the argument to try to get additional funding and will do so again.

The Arts Council, which received money for the Ulster Orchestra and works very closely with NI Screen, will have an awareness, if not a strong appreciation, of that deficit and what it means to have it slightly closed. It is still running at a disadvantage of a couple of hundred thousand pounds in its budget, and it will, I am sure, make bids in future monitoring rounds, as will the Arts Council, libraries and museums. It is really important that, when the NI Screen programmes were under threat of closure — not limiting resource but closure — we acted decisively. I make no apologies for that.

Irish Passport: Sport Eligibility

6. **Mrs Dobson** asked the Minister of Culture, Arts and Leisure what discussions she has had with the governing bodies of sports that are organised on an all-island basis, to establish how many require an Irish passport as part of their eligibility criteria. (AQO 7667/11-15)

Ms Ní Chuilín: I thank the Member for her question. Sport NI is talking to sports councils in Britain and Ireland about providing guidance for sports governing bodies on their responsibility under the Good Friday Agreement and, in particular, the rights of citizens from the North to choose to hold either an Irish or British passport or both. I am committed to the principle in the Good Friday Agreement to:

"recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose".

On that basis, I am happy to meet or make representation to any sports governing body that may be operating contrary to the spirit of the agreement and to encourage them to support its principles and review their eligibility criteria.

Mrs Dobson: The Minister has partially answered my supplementary. I was going to ask whether the Minister agrees with me that, if the governing body of any sport were to require an Irish passport as a prerequisite for a team representing the island of Ireland, it would be contrary to the Belfast Agreement, which entitles citizens of Northern Ireland to define themselves as British, Irish or both.

Ms Ní Chuilín: I thank the Member for her question. As she said, part of my answer has covered some of her concerns. That has been the case. In fairness, the governing bodies and the sports councils here and in Britain all recognise the Good Friday Agreement and are happily working together to try to ensure that they support the athletes as well as possible. The important thing is to make sure that athletes are supported as well as possible. They do not need politics or concerns around citizenship, their identity, their background or their culture to get in the way of their performance.

Mr McAleer: Go raibh maith agat, a LeasCheann Comhairle. Could the Minister provide details of any discussions that Sport NI has had with its counterparts in the South and, indeed, in Britain about providing guidance for sports governing bodies?

Ms Ní Chuilín: I thank the Member for his question. As I said in my primary answer to Mrs Dobson, he will know that the Good Friday Agreement ensures that citizens here can have one or both passports regardless of how they perceive themselves. The governing bodies have acknowledged that. The good thing about it is that the British and Irish sports councils have also accepted that, and the sports councils and governing bodies are working alongside that principle, too.

As a result not just of recent competitions but of the recommendations in the report on boxing, Sport NI is looking at routes and ways to look at representations at Olympic, Paralympic and Commonwealth Games to see if there are any barriers and, if those are identified, to have them removed. I am certainly happy with the way in which the governing body, Sport NI and the British and Irish councils are working to support the athletes.

Mr Humphrey: The Minister will know that the Irish Football Association has a superb programme for the development of youth football. Does the Minister agree with me that the poaching of young players by the Football Association of Ireland is not just wrong, but damaging and detrimental to community relations in Northern Ireland?

Ms Ní Chuilín: No, I do not agree with the Member at all.

Mr Allister: Does the Minister welcome the formation of the Northern Ireland Boxing Federation and its application to Sport NI for recognition as a governing body, and does she agree that it would be an excellent vehicle to enable young boxers from Northern Ireland to fight for their own country?

Ms Ní Chuilín: I have not been informed of any application by Sport NI. I have heard a lot of speculation in the media. Any attempt to break up a sport on the basis of geography, politicking and point scoring is unfortunate for athletes. Boxing has set a very good example for decades, when those from other backgrounds and communities felt it difficult to participate in other sports. Boxing has led the way and led by example, and I think that it is regrettable if boxing goes down this route.

Arts Council: Disability Action Plan

7. **Mr McGlone** asked the Minister of Culture, Arts and Leisure for her assessment of the Arts Council NI's recently published disability action plan 2015-18. (AQO 7668/11-15)

Ms Ní Chuilín: All arm's-length bodies have a statutory duty to publish disability action plans and to increase access and participation for people with disabilities. The Arts Council, as a designated public authority, has a statutory duty to publish a disability action plan setting out its commitment to promote positive attitudes towards people with disabilities and encourage participation in all aspects of the arts. As Minister, although I have no official role in approving the plan, I am confident in and welcome the efforts of the Arts Council to increase access and participation opportunities in the arts for people with disabilities.

Mr McGlone: Go raibh maith agat as an fhreagra sin, a Aire. Thanks very much indeed, Minister, for that response. Of those appointed to the board of the Arts Council, how many are registered disabled?

Ms Ní Chuilín: I do not have that information to hand, but I am happy to ask for that information and to write to the Member. If the Member has any particular concerns, he can knock on the door of the private office and give me a shout.

Ms Lo: I am very supportive of the plan, but how realistic is its implementation, given the budget cuts the Minister faces and also the fact that Northern Ireland has lower arts funding per head than anywhere else in the UK and Republic of Ireland?

Ms Ní Chuilín: I am not suggesting that the Member is saying otherwise, but consideration of equality — disability has equality implications — has to be put first and foremost. You cannot skimp on a project because you cannot afford to have disability access and participation; that is not where we are coming from. The Arts Council will have to ensure, within the budget it received, that all outcomes for section 75 groups are adhered to. In addition to what I have provided to the Arts Council for arts and creativity for people with disabilities, my Department has funded disability programmes for accessing the arts. It is crucial that we ensure that everyone has an opportunity to avail themselves of the programmes and participate where possible.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí go dtí seo. Thank you, Mr Deputy Speaker, and I thank the Minister for her answers thus far. An dtig liom fiafraí den Aire cad é an tacaíocht atá ar fáil do dhaoine faoi mhíchumas a bhfuil suim acu páirt a ghlacadh sna healaíona? What support is available for disabled people who are interested in participating in the arts?

Ms Ní Chuilín: I thank the Member for her supplementary. As I said to Ms Lo, it is important that the affordability of disability access, any more than a decreasing budget, is not used to limit access for people with disabilities. The work of the arts and disability equality charter, which was brought to the Arts Council through the disability forum, along with Adapt NI and Open Arts, has been crucial not only in raising awareness but in raising awareness of some of the venues, thus ensuring that there are as many opportunities as possible for participation.

I take this opportunity to commend the work of the Arts and Disability Forum, which is also funded by the Arts Council. It has been an absolute catalyst for empowering people with

disabilities who have an interest in the arts. The Arts and Disability Forum is crucial to ensuring that the Arts Council provides opportunities for people with disabilities and that the funding is at the level that it should be at. It is through the work of the Arts and Disability Forum and its lobbying of DCAL and other Departments that it received additional funding. It is very much the advocates, the spokespeople and the representatives of those who want to engage in all sectors of society but particularly the arts and creativity. It is there to make sure that people like me put the funding where it is needed.

Libraries NI

8. **Mr Devenney** asked the Minister of Culture, Arts and Leisure for an update on the plans her Department has in place for Libraries NI. (AQO 7669/11-15)

Ms Ní Chuilín: I thank the Member for his question. In line with 'Delivering Tomorrow's Libraries', I am determined to provide a library service that, within available resources, is centred on people and relevant to their current needs; is responsive to local communities, particularly those experiencing poverty and social exclusion; is sufficiently flexible in its core activities to reflect new demands; and provides space, stock and expertise to enable people to develop themselves, their families and their communities.

Library services are under considerable pressure due to the annual decreases in the block grant. However, I am working with the libraries board and the chief executive to ensure that no branch libraries will be required to close permanently. Public libraries play an essential role in our communities, especially in socially deprived areas, so they need to be protected as far as possible. The responses that DCAL received following the publication of the consultation on the draft budget last autumn indicated that there was strong public support for our library services.

Mr Devenney: I thank the Minister for her response. Does she agree that libraries across Northern Ireland deliver a much-needed and valued service to our community? Will she give an assurance that there will be no further cuts to hours, which could lead to closures of our libraries?

Ms Ní Chuilín: The Member may be aware that there is a consultation at the minute about the reduction in opening hours. That started on, I think, 18 February, and will end on 17 or 18

April. I encourage the Member and others to feed into that consultation, because consultation responses have been crucial in shaping the future delivery of libraries.

Libraries are very good; they work out their usage in terms of hours, staff and resources. The last consultation was on the draft budget, but previous consultations on library services ensured that they were protected. If a library service goes, particularly in a rural community, it is really difficult, if not impossible, to get it back.

Mrs Overend: I speak for libraries in mid-Ulster, and they certainly do not want to implement restricted hours. Has the Minister agreed with Libraries NI the restricted opening hours that will be implemented as a result of the budget?

Ms Ní Chuilín: I appreciate that the Member may have had her question worked out before I gave the answer to Mr Devenney, but the consultation opened in February and will close in April. I will wait for the Libraries NI response to the outcome of that consultation. It has proposed reductions in hours for each of the libraries based on different bands, but, as part of a robust consultation, that may change, depending on the feedback that the libraries get. The libraries have certainly gone about it in the right way; they have shown that the bands are delivered on the basis mainly of usage but also of hours and membership. They worked it out on that basis, which is a fair and transparent way to do it. The consultation is open, and I encourage the Member and others to feed into it.

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

Sports Pitches: 3G/4G

T1. **Mr Kinahan** asked the Minister of Culture, Arts and Leisure whether she is aware of any plans from the Irish Football Association or other bodies to replace all community playing surfaces with 3G or 4G pitches. (AQT 2171/11-15)

Ms Ní Chuilín: I am aware that every club, regardless of whether it is soccer, rugby, Gaelic or hockey, wants to look at better facilities, and 3G and 4G pitches are on the long list of things that groups need. I am certainly not aware of the IFA per se replacing 3G and 4G pitches at the minute. The Member will be aware of the subregional funding, but that is not about the

replacement of pitches but is looking at subregional facilities.

3.15 pm

Mr Kinahan: I thank the Minister for her answer. I raise the issue not so much to ask about the Irish Football Association but because there seems to be a trend towards having 3G and 4G pitches everywhere, with the danger being that we will no longer have any grass facilities for, among others, those who want to play football or rugby on them. Will she use all her influence and, indeed, resources to make sure that we keep enough grass pitches so that we can still compete at the highest level and give people in towns and villages a chance to learn on that surface?

Ms Ní Chuilín: I am sympathetic to what the Member says. I recently met cricket representatives who were concerned about grass facilities. I also met representatives of some smaller soccer clubs who have concerns. They had met their local councils, which are under a lot of financial pressure because they have to provide multi-sport facilities, and that is where the 3G and 4G pitches come in. We are still working with the governing bodies through the Sport Matters implementation group. This issue was raised previously, but we will look at it again. It is up to the governing bodies to identify grounds on which they want their sport to be performed. We will try to work in partnership with them, Sport NI and local government, but I hear what the Member is saying.

Mr Deputy Speaker (Mr Dallat): Mr Paul Givan is not in his place. I call Mr Mickey Brady.

Boxing Investment Strategy

T3. **Mr Brady** asked the Minister of Culture, Arts and Leisure for an update on the boxing investment strategy, particularly in the Newry and Armagh constituency. (AQT 2173/11-15)

Ms Ní Chuilín: I thank the Member for his question. The boxing investment programme, which came from Sport NI through Lottery funds, has been very successful. The Member will be aware, because I was in the constituency with him and other representatives, that there is not enough money at the moment to meet the demand. However, Sport NI did an exercise with the governing bodies and some of the clubs to get a facilities plan to look at the state of boxing clubs. They will prioritise those with the worst facilities and

look at when funding can go to them. That process is under way. I am not sure whether some of the clubs in the Member's constituency will get funding, but I will happily write to him about that.

Mr Brady: I thank the Minister for her answer and ask her to ensure that boxing clubs in my constituency, such as St Brigid's, St John Bosco, Sacred Heart at Cuan Mhuire, and clubs such as the Sean Doran Boxing Club in Keady are not forgotten when it comes to investment. Boxing is a sport that, until relatively recently, was not getting the investment that it so deserves.

Ms Ní Chuilín: I thank the Member for his supplementary, and I agree with his last point. Over decades, boxing has delivered an awful lot to our community. It has given us a great spectacle of sport and produces more medals than any other sport the length and breadth of this island, yet its facilities are not fit for purpose. It is important that we get investment into the boxing clubs and that it is spread throughout communities as much as possible. As I said, I will try to find out about the clubs in his constituency that he mentioned and write to him with any details.

Public Bodies: Disabled People's Representation

T4. **Mr Ramsey** asked the Minister of Culture, Arts and Leisure, following a meeting with the Northwest Forum of People with Disabilities that he attended along with other Members, at which one of the main questions was why so few people with disabilities are appointed to public bodies, to assure the House that she will look at best practice to ensure that public bodies are made up of people with disabilities alongside people who represent those who have disabilities. (AQT 2174/11-15)

Ms Ní Chuilín: I will happily take the Member's concern back to my Department so that I can check with all the arm's-length bodies. His colleague Patsy McGlone asked similar questions about the disability action plan and about disability access and participation. I will raise that query and write to the Member.

Mr Deputy Speaker (Mr Dallat): Mrs Pam Cameron is not in her place. *[Interruption.]* My apologies, Mr Ramsey. You have a supplementary.

Mr Ramsey: Thank you, Mr Deputy Speaker. I thank the Minister for her response. For the

record, I chair the all-party group on disability, which had a meeting with the Commissioner for Public Appointments, John Keanie, who has expressed deep worry and concern about the lack of appointments of people with disabilities. Would the Minister be favourably disposed to meeting me and representatives of disabled groups?

Ms Ní Chuilín: I would be absolutely delighted to. I was delighted to meet the all-party group on disability action. I also met the Commissioner for Public Appointments to look at gaps in female representation, gender imbalance, disability imbalance, political imbalance where people are coming forward from the Catholic or Protestant community, and ethnic minority imbalance. It is important that we get the best possible balance. I will happily have a meeting with the Member on that.

Mr Deputy Speaker (Mr Dallat): Mrs Pam Cameron is not in her place.

Art and Artefacts: Storage

T6. **Mr Beggs** asked the Minister of Culture, Arts and Leisure whether she has any plans to shine a light, by way of permanent or temporary exhibitions, on the many works of art and artefacts that are stored in the bowels of the Ulster Museum, about which concern has been expressed. (AQT 2176/11-15)

Ms Ní Chuilín: I thank the Member for raising that query, because a concern that I have had since I came into the Department is that, year on year, a lot of public money is being spent on preserving works of art that are in storage. My questions are these: why have they been in storage for so long and why have they remained in storage? I am working with museums, libraries and the Arts Council on bringing exhibitions out to communities and am looking at the practical implications of doing that. If I am picking up the Member correctly, I agree with him that it is a shame that we have collections that are stored away where no one can see them.

Mr Beggs: I thank the Minister for her answer and her support on the issue. Can she advise whether a detailed archive list is available to councils so that they can perhaps identify items of local interest? Local people could see them, and the items would enhance important tourist facilities looked after by the Department of the Environment, such as Carrickfergus Castle.

Ms Ní Chuilín: I know that the inventory of what is stored away and by whom was done quite some time ago. The issue has been raised before, but I will certainly raise it again and look at where we could hold exhibitions. We could bring artwork out to school assembly halls, council buildings and community facilities, and bring school groups, community groups and residents to the exhibitions. The exhibitions could almost travel around.

I will happily raise the Member's concerns with museums and the Arts Council. Primarily, however, this is about museums. I will see what is in the latest catalogue and whether art can be displayed by local government. I will then write to the Member with the details.

Musical Instruments: Budget Cuts

T7. **Mr Moutray** asked the Minister of Culture, Arts and Leisure to acknowledge the substantial cut that was made last year to the budget for musical instruments and to confirm that any cut this year will be made to the original budget rather than the already reduced budget. (AQT 2177/11-15)

Ms Ní Chuilín: I take exception to the Member talking about substantial cuts. All facilities that the Arts Council and even the Ulster-Scots Agency have have been based on budget availability. That primarily applies to the Arts Council as the Ulster-Scots Agency receives greater protection. The Member's assertion that there have been significant cuts is not the case.

Mr Moutray: One of the priorities of the Minister's Department is to promote equality and to tackle poverty and social exclusion. Will she therefore accept that many bands draw members from areas of social deprivation and acknowledge that funding for musical instruments helps to address that priority?

Ms Ní Chuilín: I appreciate the work that the marching bands do, particularly around music acquisition and passing on those skills. It is important. We need to ensure that, in promoting equality and tackling isolation and exclusion, we use every opportunity that is available. To that end, money has remained and continues to be invested in this programme. It is certainly not a programme that yields as many figures as I would like it to. It is certainly not a programme that is as inclusive as it should be. I aim to change that. With those changes, I will aim to try to upgrade it to ensure that all bands can have access to the fund.

Arts Facilities: Funding

T8. **Mr I McCrea** asked the Minister of Culture, Arts and Leisure what funding, if any, is available to councils to support arts facilities, such as the Burnavon in Cookstown. (AQT 2178/11-15)

Ms Ní Chuilín: All politics is local. The Member will be aware that, in Strabane, Limavady and mid-Ulster, some of the investment that was put in has helped not only council offices but arts venues and venues such as theatres where people can participate. That is important.

I have not made any funding available to local government for arts venues thus far, but I have received a number of requests, including from the new chief executive officers of the new super-councils. They are coming to meet me about a range of issues, including the arts, theatres, creativity, sport and the creative industries, so I imagine they will come with a long shopping list.

Mr I McCrea: The Minister mentioned the contacts she had had with the new chief executives of councils. Will she be willing to meet the new councils when they are operational to discuss what opportunities may be available so that they can tap into the areas she referred to, whether the arts or any of the creative industries, to ensure that local councils can play their part?

Ms Ní Chuilín: Absolutely. That is key to sustaining and maintaining the relationships that were developed with, for want of a better term, the older councils, when you are bringing those relationships into new councils. It is also important to work with elected representatives from all over and across council areas because they, by and large, are at the coalface and the interface with community and residents' groups.

I will continue to work well with local government. We have delivered, particularly in partnership with local government. That is the direction of travel we should go, not as the only option but as an option. I am happy to meet anyone from the new super-councils, be it officers, existing elected representatives or newly elected representatives to the shadow councils, to see how we can take forward their plans.

Cultural and Artistic Output

T9. **Mr Dickson** asked the Minister of Culture, Arts and Leisure whether she agrees that a

strong cultural and artistic output, including, for example, films that end up at the Oscars, presents a positive image of Northern Ireland. (AQT 2179/11-15)

Ms Ní Chuilín: I totally agree with the Member. That is important. A number of films that were supported by NI Screen ended up at the BAFTAs, the Oscars or other award ceremonies, and there is a sense of civic pride in all of them, particularly when some are nominated. It also helps others who are thinking about going into the creative industries, so it is important that they continue to receive our support.

Mr Dickson: I thank the Minister for her answer. The reality is that, in having the lowest per capita arts funding in the United Kingdom, you are failing to deliver that positive image for Northern Ireland through the opportunities given by culture, the arts and other mediums.

Ms Ní Chuilín: With respect to the Member, he needs to look at his figures because that is not true. That has been peddled and is not true.

I also want to take the opportunity to congratulate the makers of 'Boogaloo and Graham', even though they did not receive an Oscar. Being nominated and cheering everybody up late on Sunday evening was quite good.

I will continue to argue for money for the arts. That includes film, television and radio production. It also includes trying to have a career path for young people or even not-so-young people to make the creative industries their career choice. It is important that we maintain or even increase that funding.

Mr Deputy Speaker (Mr Dallat): Time is up. Members will take their ease while we change the Table.

(Mr Speaker in the Chair)

Executive Committee Business

Welfare Reform Bill: Further Consideration Stage

Clause 10 (Responsibility for children and young persons)

Debate resumed on amendment Nos 1, 2, 3, 4, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 26 and 27, which amendments were:

No 1: In page 4, line 38, at end insert

"(3A) Where an additional amount under subsection (2) can be awarded at two different rates, the lower rate shall be no less than two thirds of the higher rate."— [Mr Agnew.]

No 2: In clause 26, page 13, line 14, at end insert *"(c) the production of explanatory documentation on sanctions to be given to the claimant prior to the imposition of a sanction."— [Mr Attwood.]*

No 3: In clause 27, page 13, line 36, at end insert

"(c) the production of explanatory documentation on sanctions to be given to the claimant prior to the imposition of a sanction."— [Mr Attwood.]

No 4: In clause 30, page 15, line 20, at end insert

"() An authorised person under this section is a person exercising a function or functions of a public nature.

() Section 6 of the Human Rights Act 1998 shall apply to an authorised person as defined under this section."— [Mr Attwood.]

No 8: In clause 47, page 25, line 40, at end insert

"(c) the production of explanatory documentation on sanctions to be given to the claimant prior to the imposition of a sanction."— [Mrs D Kelly.]

No 9: In clause 47, page 26, line 29, at end insert

"(c) the production of explanatory documentation on sanctions to be given to the claimant prior to the imposition of a sanction."— [Mrs D Kelly.]

No 10: In clause 47, page 28, line 12, at end insert

"(c) the production of explanatory documentation on sanctions to be given to the claimant prior to the imposition of a sanction."— [Mrs D Kelly.]

No 11: In clause 70, page 56, line 32, at end insert

"(6) Regulations may not provide for the reduction of an existing award where a claimant declines the offer of suitable alternative accommodation."— [Mrs D Kelly.]

No 13: In clause 81, page 60, line 32, leave out subsection (3).— *[Mr Storey (The Minister for Social Development).]*

No 14: In clause 81, page 60, line 39, leave out paragraph (c) and insert

"(c) must provide for relevant medical evidence to be taken into account in assessing a person and may make provision about other matters which are, or are not, to be taken into account."— [Mr Storey (The Minister for Social Development).]

No 15: In clause 89, page 64, line 24, at end insert

"(3A) A person entitled to personal independence payment shall receive the award no later than 16 weeks after the date on which a claim for it is made or treated as made."— [Mr Agnew.]

No 16: After clause 103 insert

"Appeal in respect of sanction imposed under this Act

103A. *After Article 15 of the Social Security (Northern Ireland) Order 1998 there is inserted—*

"Appeal in connection with sanctions

15A. *Where the amount of an award of any social security benefit is to be reduced as a consequence of any failure by a claimant which*

is sanctionable under the Welfare Reform Act (Northern Ireland) 2015—

(a) a claimant is entitled to an appeal hearing within four weeks of the notice of sanction being issued; and

(b) the amount of any relevant award shall not be reduced before the appeal is decided.”.— [Mrs D Kelly.]

No 17: After clause 120 insert

"Duty to ensure access to independent advice

120A.—(1) *The Department shall ensure that any person making a claim under this Act shall be entitled to have access to independent confidential advice and assistance provided free of charge in relation to making a claim under this Act.*

(2) For the purposes of subsection (1) the Department must bring forward guidance on the independent confidential advice and assistance which is to be developed in consultation with the Northern Ireland Advice Services Consortium, within 3 months of the commencement of this section.”.— [Mrs D Kelly.]

No 18: In clause 121, page 88, line 26, leave out "and" and insert

"(aa) the standards of advice and assistance provided under section 132B of the Welfare Reform Act (Northern Ireland) 2015; and".— [Mr Storey (The Minister for Social Development).]

No 20: In clause 130, page 92, line 26, after "housing benefit" insert "or universal credit".— [Mr Storey (The Minister for Social Development).]

No 21: In clause 131, page 93, line 39, at end insert

"(6A) Regulations may not provide for the reduction of an existing award where a claimant declines the offer of alternative accommodation.”.— [Mrs D Kelly.]

No 22: After clause 132 insert

"Payments to persons suffering financial disadvantage

Payments to persons suffering financial disadvantage

132A.—(1) *The purpose of this section is to enable the Department to make payments to persons who suffer financial disadvantage as a result of the changes to social security benefits and tax credits contained in this Act and the Welfare Reform Act 2012.*

(2) The Department may by regulations make provision for the purpose mentioned in subsection (1).

(3) Regulations under this section may in particular make provision—

(a) for determining whether a person has suffered financial disadvantage as a result of the changes mentioned in subsection (1) and, if so, the amount of that disadvantage;

(b) for determining eligibility for payments, including provision for payments to be made only in prescribed circumstances or only to persons who meet prescribed conditions;

(c) for determining—

(i) the amount of payments;

(ii) the period or periods for or in respect of which payments are to be made;

(d) for claims for payments to be made in prescribed cases and in the prescribed form and manner and for the procedures to be followed in dealing with and disposing of such claims;

(e) for payments to be made in prescribed cases without any claim being made;

(f) imposing conditions on persons claiming or receiving payments, including conditions requiring them to provide to the Department such information as may be prescribed;

(g) for payments to cease to be made in prescribed circumstances;

(h) for the disclosure of information relating to payments in prescribed circumstances or to prescribed persons;

(i) for the recovery of payments by the Department in prescribed circumstances;

(j) requiring or authorising reviews (whether by the Department or by prescribed persons) of decisions made by the Department with respect to the making or recovery of payments;

(k) imposing functions on a statutory body other than the Department in connection with the administration of the regulations;

(l) for such other matters as appear to the Department to be necessary or appropriate in connection with the making of payments including provision creating criminal offences and provision amending or applying (with or without modification) any statutory provision.

(4) Payments are not to be regarded as a social security benefit; but regulations under this section may provide for any statutory provision relating to a social security benefit (or to such benefits generally) to apply with prescribed modifications in relation to payments.

(5) The Department shall, in respect of each financial year in which payments are made, prepare and lay before the Assembly a report on the payments made in that year.

(6) No regulations shall be made under this section unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(7) If regulations under this section impose functions on any statutory body other than the Department, the Department must consult that body before making the regulations.

(8) A power conferred by this section to make regulations includes power—

(a) to make such incidental, supplementary, consequential or transitional provision as appears to the Department to be necessary or expedient for the purposes of those regulations;

(b) to provide for the Department to exercise a discretion in dealing with any matter.

(9) In this section—

"prescribed" means prescribed by regulations under this section;

"payment" mean a payment under this section;

"statutory body" means a body established by or under a statutory provision."— [Mr Storey (The Minister for Social Development).]

No 23: After clause 132 insert

"Duties of the Department

Duty to ensure availability of advice and assistance

132B.*The Department must ensure that advice and assistance are made available free of charge to persons making a claim under this Act in connection with that claim.*"— [Mr Storey (The Minister for Social Development).]

No 26: In clause 135, page 95, line 37, at end insert

"() section 132A (payments to persons suffering financial disadvantage);

() section 132B (duty to ensure availability of advice and assistance);

() section 132C (review of this Act);"— [Mr Storey (The Minister for Social Development).]

No 27: In schedule 1, page 99, leave out lines 3 to 7.— [Mrs D Kelly.]

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I reiterate the point I was making before lunch that it is my understanding — I think most people in the Assembly agree — that there was a five-party agreement on 19 December.

3.30 pm

Again, it was my understanding that there was to be an implementation group that would take that forward. Obviously, some people have broken ranks. Maybe they are the slow learners; I am not too sure about that, but we will presume that that is the case. Possibly, there is just a lack of communication between certain elements of certain parties. One would have to draw that conclusion from what I have listened to in previous debates. We were told that debate was stifled; I would hate to see if it was not stifled, because it might last three days next time. I will try to be as short and to the point as I can be.

There was some misunderstanding with Mr Agnew this morning about the different funds. Amendment No 22 from the Social Development Minister deals with the supplementary payment fund. The purpose of that fund is to ensure that nobody loses out, including those who might have lost out under the unchanged Welfare Reform Bill, which was

endorsed by some other parties. The supplementary payment fund will ensure that people get help and will not lose out.

Amendment No 14 from the Minister makes reference to relevant medical evidence. That is a very important issue, because, as someone who for many years did appeals, appropriate medical evidence was often not obtained until the day of the appeal. The provision of relevant medical evidence, as proposed in the amendment, will give decision makers the opportunity to make informed decisions, cut down the number of appeals, and ensure that people who are entitled to benefits get them. That is a very important issue.

One other amendment that I make reference to is amendment No 4. I find it strange, if not bizarre, that we have a party on my left that is talking about protecting the public from privatisation: that is what the amendment is about. Yet, back in 2007-08, when Margaret Ritchie was the Minister for Social Development, she rushed — and I mean rushed — the initial stages of welfare reform through the Assembly under accelerated passage.

We had asked for clause 16 to be deleted at the time, because it dealt with privatisation. We were told, "Oh no, it doesn't need to be deleted. It is not going to happen." Well, if it was not going to happen, why did you need it? A very short time afterwards, medical support services were privatised, and we have all seen the results of that. Mr Attwood, in one of his last acts as Minister, signed the contract that inflicted — and I use that word advisedly — Atos upon us in terms of the work capability assessment. So, it ill-behoves people to lecture us on what we have or have not achieved when they were the ones who introduced these kinds of issues.

Mr Attwood: Will the Member give way?

Mr Brady: Yes, the Member will give way.

Mr Attwood: I will come back more substantially to the point that you made, but is the logic of your argument not to ensure that, if there are private contractors appointed, arising from welfare reform, they comply with the Human Rights Act (HRA)? That is what amendment No 4 does. So, taking the point you have made about ensuring that private contractors live up to the best standards, if they are going to be involved, should you not now conclude by supporting amendment No 4,

which ensures that they will have to comply with the HRA?

Mr Brady: I thank the Member for his intervention. Would Atos not have been subjected to that before you signed the contract? I would have assumed that to have been the case. Did you not check that with Atos beforehand? The argument we have, and continue to have, is why you need companies like Atos to come in. In four years, it got something like £300 billion from the British Government and shuffled off, and someone else has to do the job. We are yet to see what Capita may or may not be capable of.

Mr Attwood: Will the Member give way?

Mr Brady: No, I will not. I am trying to finish off here.

I think we should send out a positive message. A lot of negativity and misinformation have been sent out to the public, and there has been a lot of scaremongering. There are people out there who are vulnerable, suffer from disability, are unemployed or are working poor. Unfortunately, the message that some parties are sending out is that it is negative and a total mess. It is not. Obviously, the agreement is not everything that people wanted. We have done what we feel is the best deal that could have been done in the circumstances. It is much better than anything that was put forward over the last couple of years, I have to say. So, I think we should go forward with that positive message.

As a republican and member of Sinn Féin, my core value has been to protect the vulnerable. I have been doing it all my working life, and I will continue to do it. We as a party do that as part of our core values. That message needs to go out to the public. We need to put that message forward. This agreement is something that we fought long and hard for. Parties eventually agreed to it. There will be mitigation. We have neutralised the benefit cap. People go on about the bedroom tax, but we have neutralised those. We have ensured that people here do not suffer. If you talk to groups in England, in the voluntary sector or otherwise, you will know that they are extremely envious of what we have here. Disability groups are the same. People can pontificate, to use Mrs Kelly's phrase, all they want, but at the end of the day, as far as we are concerned, it is a good deal for the people that we represent, and we will continue to fight that corner for them.

Mrs D Kelly: Mr Brady seems to be a wee bit agitated today. Perhaps it is to cover his blushes somewhat, because he stated publicly, as did Martin McGuinness, that Sinn Féin would "deploy a petition of concern" against the bedroom tax. He can gurn all he likes here, but the fact is that it is in the Bill. Sinn Féin did not sign the petition of concern against the bedroom tax, and as yet, we have not seen all the regulations and accompanying mitigation flexibilities, which the Executive have yet to agree, in support of the Welfare Reform Bill going through —

Mr Maskey: Will the Member give way?

Mrs D Kelly: I will give way in just a second. There are just a couple of points that I do not want to forget. I am interested in hearing today from the Minister a commitment that affirmative approval from the Assembly will be required for the regulations, that he will ensure that there is a process for reviewing and monitoring the implications of the Welfare Reform Bill, and that he will ensure their compliance with the human rights legislation. I will give way to the Member.

Mr Maskey: I thank the Member for giving way. I know that she has a lot of ground to cover, but I will ask her this again. Is it not rather inconsistent, to say the least, particularly in the context of the Member's party agreeing this, that since last week the Member has been levelling criticism against the package that all the parties agreed on 19 December? I appreciate that the Member was not there, but her party leader was and other colleagues who are sitting in the Chamber now were with him when the party endorsed a four-party agreement. That made no reference whatsoever to a supplementary payment scheme or to a specific mechanism to address the issues on disabilities. They then signed on for a two-year sanction regime.

Is it not rather inconsistent for the Member to come forward now with amendments criticising the deal that was reached and that her party leader endorsed on 19 December, having endorsed a further, weaker deal on 17 December? I confirm, from Mickey Brady's point of view, that the Welfare Reform Bill is addressed through a range of mitigation mechanisms, which all the parties agreed in one shape or form to have in place. Those are being put in place, and I look forward to listening to the Minister this afternoon when he addresses all those amendments. I am confident that the Minister's message will be positive and will put further meat on the bones of the deal that was reached. I urge Mrs Kelly,

even at this late stage, to go back to the drawing board with the five party leaders, who, it was agreed, formed the implementation group for the Stormont House Agreement. You cannot have your cake and eat it, which, unfortunately, that party is actually doing.

Mr Speaker: Neither can you. You cannot have too long an intervention.

Mrs D Kelly: Mr Speaker, I welcome your assessment of whether that was an intervention or a speech.

In the last debate, Mr Allister asked all the parties to commit to publishing the signed Stormont Castle agreement. We have yet to see it. For all I know, John O'Dowd was waving about his wife's shopping list on 'The View' the other week. I have yet to see the Stormont Castle agreement.

Mr Humphrey: On a point of order, Mr Speaker. I distinctly remember the First Minister making a contribution to the debate last week and saying that he had placed a copy of it in the Library. Perhaps the Member was not listening.

Mrs D Kelly: Far be it from me not to listen to every word that comes from the mouth of the First Minister. I am afraid that I missed that particular point on that occasion.

The fact is that there is no signed Stormont Castle agreement; there is a Stormont House Agreement. Mickey Brady spent the last few minutes talking about parties being negative and scaremongering. Which party went on a Northern Ireland-wide roadshow of "Stop the Tory Cuts"? None other than Sinn Féin. Who scaremongered right across the North? Indeed, many of them still have "Stop the Tory Cuts" posters in their constituency office windows, whilst their four Executive Ministers energetically endorse and implement the Tory cuts agenda.

Mr Allister: Will the Member give way?

Mrs D Kelly: I will give way, Mr Allister.

Mr Allister: I was not party to any of these discussions, which some seem more willing to associate themselves with than others. The Member said that there is no Stormont Castle agreement subscribed to by all the parties, but the document placed in the Library opens with this sentence:

"This paper sets out the Executive party leaders' proposals to the UK Government".

Does that not include all five Executive parties?

Mrs D Kelly: Thank you for that, Mr Allister. That is certainly how I interpret it, because there was no caveat read out in relation to that. That is where some people are very confused about the matter. The fact is that the bedroom tax is in the Bill. Sinn Féin will have to explain to its constituents why it did not live up to its manifesto commitments and to the commitments that it gave at its ard-fheis only last year; if it was in 2013, I stand to be corrected.

I move on to address the group 1 amendments that we have proposed, many of which deal with the issue of independent advice. I know that the Minister has given a commitment. The Minister well knows the value of agencies such as CAB and Advice NI and the many small independent advice clinics that we use routinely and regularly to help our constituents to make an application or to assist them in their appeal. There are, of course, very good and able staff in the Social Security Agency who give advice on pensions and on all types of benefit entitlement, but I believe that there is a particular role for the independent voluntary sector to play in the provision of such advice. I ask the Minister to consider that carefully. He well knows the policy intent behind our amendments, so we are interested in hearing from him if he can expand on that.

Some in the Social Security Agency are concerned that, if this were in the Bill, it would give an almost blank chequebook to the community and voluntary sector. I do not believe that that would be their rationale for supporting the call for an independent service provision. Many people have difficulties in accepting the independent advice of an agency and its ability to scrutinise itself. That is sometimes borne out by stories that we hear from England in particular, where targets have been set by the Department for Work and Pensions and sanctions have been imposed. As you know, there are horrendous stories of people being driven to the point of suicide as a consequence of having to deal with the social security system and benefit entitlement. We want to put in as many safety nets as possible for people seeking the right to independent advice.

3.45 pm

It is not only about assisting them in completing their forms, advocating on their behalf and navigating their way through the maze; it is about helping people to be real advocates, with no axe to grind other than a person's self-interest and personal interest. From our point of view, it will be interesting to hear the Minister's commitment to that.

The other issue that we are concerned about is sanctions, and people's understanding of their nature, extent and type. Good, clear information must be provided. I know that in recent days, Mr Speaker — I think that it was processed through your office — there has been advice from the Human Rights Commission in relation to aspects of the Welfare Reform Bill. It is a matter of regret that, here and in GB, opportunities were not provided to the Human Rights Commission to ensure full compliance with best practice in international law.

There are concerns that, when a sanction is imposed, it is reasonable and proportionate and will not cause hardship to other family members. There is a necessity for anyone who is determining the nature of sanctions to ensure that the interests of the child are paramount. In other words, a sanction on a person in a household must not impact adversely on children. It is still a fact that, in the majority of households, men are regarded as the main earners. Therefore, under the auspices of universal credit, if most of the money is directed through men, and sanctions are imposed, how does that impact on the rights of women and children? I will be interested to hear how the Minister is going to ensure that all those points are taken care of: the regulations around the imposition of sanctions; the clarifications given; and good, upfront advice before the imposition of sanctions.

Mr Agnew, in his contribution, referred to timescales. There are also concerns around the timescales for hardship payments, the possibility of a big gap between the imposition of a sanction and an appeal, and what happens in the intervening period. There are concerns about whether a hardship payment will perhaps come three weeks too late for many people after their initial application.

Mr Agnew also referred to the concerns that were raised around the bedroom tax and the availability, as others mentioned, of suitable alternative accommodation here in Northern Ireland. I think that it is also recognised that, in Northern Ireland, we tend to have larger households and homes. I think that England, in terms of the square footage of a family home, is

among the worst across Europe when it comes to the type of house or apartment that people are allowed to build. There has to be some local flexibilities and acceptance of local customs and practice.

Mr Speaker, it will come as no shock to you and many in the House that we are opposed to the bedroom tax. Mr Agnew tried to draw the Minister — I am sure that the Minister will reply — on his comments in the last debate about two alternative and reasonable offers. Our amendment refers to that, although Mr Brady and others were not that inclined to accept that as a concern and said that they had fully mitigated that. We know that the mitigation currently, I believe, lasts for six years. We want to know what happens beyond that.

The Minister will be very well aware of the necessity to build adequate alternative housing. None of this stands in isolation. We need to hear the Minister's holistic plans not only for the introduction of welfare reform but for meeting people's needs. There is also some concern about the types of job interview and work experience that some will be asked for. I think that it is already the practice that people with some disabilities are being placed in DWP offices because they cannot get employers to provide suitable work-based experience. I know that the Minister is not responsible for all that and that he will require assistance from the Minister for Employment and Learning, for example, in looking for vocational training. When we set that against the backdrop of the cuts to the DEL budget, you can see why we are raising concerns about a number of these matters.

I hope that that deals with a number of our amendments. The only new clause that we have proposed is in amendment No 16. That new clause deals with the appeals mechanism and seeks to have appeal hearings for claimants within four weeks. Again, that is based on what we are hearing about the experience in England, where some people are having to wait months for their appeals to be heard.

I would hope that the Minister has adequate resources at his disposal when he brings forward and implements the regulations to ensure that people do not find themselves in unnecessary hardship or humiliation. As we said before, it is, after all, people whom we are talking about. I would hope that all the rights of persons are protected and that we will not find situations in which people are subjected to degrading treatment.

Mr Beggs: Thank you, Mr Speaker, for the opportunity to comment at this stage of the Bill.

Amendment No 1 was previously discussed at Consideration Stage. It must be acknowledged that some local families with a disabled child will see a reduction in their support. Importantly, however, as has been said, some households will see an increase through the higher rate of child addition, as the new rate payable to severely disabled children will be very slightly higher than the current child tax credit equivalent. I understand that those who will receive a lower disability rate for universal credit could be significantly worse off. However, I trust that existing claimants will be supported through the transitional protections that are being built in.

As I have said previously, such an amendment will not only incur significant extra costs through increased benefits but could potentially require a new administration system. Does the proposer of the amendment know whether that is possible and what it would cost? Those are real issues, and you cannot make amendments without knowing the answers. We are setting legislation. I certainly believe that change is necessary and should be pursued at a Westminster level. I encourage all our MPs to pursue the matter there.

Amendment Nos 2, 3, 8 and 9 that have been tabled by the SDLP relate to the production of explanatory documents for sanctions. That sounds like a reasonable proposition. It makes sense to have such explanations in writing, not only to better inform claimants but as supporting evidence for the benefits advisers. It would also ensure that they would have to have clarity about the decisions that they were making and would have to stand over. That seems logical. I would be surprised, however, if the Social Security Agency was not already doing that. I ask the Minister to detail what the process is. However, we are minded to support that batch of amendments if we do not hear something significant.

Amendment No 4 seeks to ensure that section 6 of the Human Rights Act applies to persons who are carrying out the work that is delegated by the Department. I would be concerned that putting that requirement so explicitly into the Bill could potentially lead to all sorts of problems like delays and additional bureaucracy and administration costs. I will listen carefully to what others have to say.

We will not support amendment Nos 21 and 11. Whilst I understand what the SDLP is seeking to do and I have sympathy for some of its

position, considering the smoke and mirrors that are being played out by some parties in the Chamber, the position of the Ulster Unionist Party is that people should live in accommodation that broadly matches their requirements. Reducing household running costs by simply reducing the space and the heating requirements would be another benefit that would follow on from that provision and more citizens would be able to be assisted through social housing support.

Much of our opposition to the proposed bedroom tax was based on the fact that suitable alternative accommodation was simply not available in Northern Ireland, so it is right that protection is being built in against a bedroom tax. We simply do not have the right number or right types of homes. All levels of social housing are oversubscribed, but, once this penalty comes into effect, I believe that smaller one- and two-bedroom homes will become even more difficult to acquire. To address that, we need more than platitudes from the Minister. We need the social housing development programme to be changed and rebalanced so that it matches the pressures on our housing stock.

We are not building anywhere near the required number of new homes. Our target of 2,000 new properties already falls well short of actual need. It is of concern that it looks as if we will not be able to build that number. We are told that budget pressures are to blame. There are budget pressures, but there are also budget choices. Look at what the Finance Minister has done: he sat back and watched feebly as Sinn Féin pressed ahead with its pet projects, such as the proposed relocation of DARD headquarters, without an independent Department of Finance and Personnel assessment of DARD's business case. Costs are already escalating for that. When you spend our limited capital funding in one area, money is not available in others. Look at the accommodation that is available in the East Londonderry constituency. Only 15 miles away —

Mr Speaker: I remind the Member to come back to today's debate.

Mr Beggs: OK. Essentially, when we choose not to make money available for social houses and we choose to put money into other projects, we can build fewer homes. Why not use existing vacant office accommodation, spend less money on new builds for office accommodation and put more money into social housing? Choices are made when we spend public money. Much of the information on the

bedroom tax and the Executive's mitigation package will come to light only through regulations. Nevertheless, we trust that the offers of alternative accommodation will be genuine and that someone might be faced with a reduction to their housing benefit only after the proper process has been followed. Of course, pensioners will be protected, and rightly so.

In future, if reasonable alternative accommodation is available, why should there not be other adjustments? By including this amendment, future options cannot be considered without new primary legislation. Why should others be forced to live in overcrowded conditions if suitable accommodation were to exist to meet the needs of all?

On first reading, I saw amendment Nos 13 and 14 as a tidying-up, technical issue, but when I reflected on them, I saw that something more significant could be afoot. I want the Minister to come back on this. At this time, the Ulster Unionist Party is unable to support the Minister's amendment Nos 13 and 14. I can see what the Department is trying to do, which is to move the duty to ensure medical evidence from primary legislation to the regulations. The problem is, of course — I have made this point on a number of occasions during these debates — that the Department has greater control of that and greater powers over the regulations, and the Assembly would have a lesser role. I have not heard a convincing argument as to why that change is needed. When the Minister is summing up, I would welcome his explanation, because I cannot see any reason why it cannot stay in the Bill.

I note the Minister's previous comments that departmental officials were working with colleagues in the Department of Health to review the GP contract. If that change is secured, I believe that the current wording in clause 81 should be no impediment to it.

I listened carefully to Mr Agnew on amendment No 15. Considering the fallout in Great Britain, where successful claimants have had to wait months on end — a ridiculous amount of time — the proposal for 16 weeks — almost four months — has some merit.

Surely our system can get the necessary information together after four months so that claimants can have a decision. I would like the Minister to comment on that, too.

4.00 pm

We will not support amendment No 16. I agree that claimants should have the right to challenge sanctions but am totally opposed to the idea that they should continue to receive a full claim for up to a further four weeks. That money would also have to come out of our block grant, because we are deviating from the legislation applicable in other parts of the United Kingdom. I note that the amendment talks about:

"any failure ... which is sanctionable".

I assume that this might include major and deliberate fraud, which I would have thought would be sanctionable. How can it be justified for a claimant who has committed such an obvious act of deception to continue to receive up to another month's benefit?

We will support the duty for independent advice outlined in amendment Nos 17 and 23. I welcome the related assurance from the Minister on a more general duty. Still, it is important that there is good advice available to ensure that claimants maximise the benefits that they are entitled to.

Amendment No 22 is one of the most important amendments to the whole Bill, and it is disappointing on two fronts. First, it is regrettable that it has been tabled only at Further Consideration Stage rather than at an earlier stage, which means that we have no further opportunity for consideration and amendment. However, even more important is the lack of detail. We have what was agreed in the Stormont House talks, but, considering the games played in those, it is difficult to be reassured by anything that the DUP or Sinn Féin might say at present without first seeing it in black and white. Where are the draft regulations? It would have been helpful to publish them before now.

Previously, there were widely different estimates of the cost of the mitigation package, not least the changes to the administration of the universal credit system. Unfortunately, there was a lot of scaremongering and misinformation from the former, rather than the present, Minister in the run-up to these decisions finally being made, and that has hindered progress. The amendment has a number of very important aspects. On the whole, the original package of mitigation measures, whether it was for underoccupancy or changes to the administration of universal credit, has been fairly well discussed in public over the past 12 months. We reiterate, however, that unless there is a genuine effort to review our social housing stock, the projected

decline in the cost of the underoccupancy penalty is unlikely, and the cost could well continue into the future.

We know that the Minister believes that the overall cost of the measures, including discretionary support, will reach a maximum of £134 million in 2018-19. We are told that it will begin to fall rapidly over the following years. Unfortunately, the Department has failed to detail exactly how and why it will fall, which must be a concern for us all. At £134 million for a single year, the cost will be greater than each of the yearly budgets for DCAL, the DOE and OFMDFM, and it will restrict the funding available for health, education, etc. There are choices to be made when spending money: when you spend it in one area, you are not able to spend it in another.

Much of the extra cost, contrary to what some in the Chamber or in the media would claim, does not equate to higher benefits in Northern Ireland. Much of it allows, for instance, for the additional administrative schemes. There is, for example, the personal independence payment (PIP) medical evidence package, and rightly so, as I think that it would be a good investment. Nevertheless, it will cost several million pounds in each of the next five years. However, it will not mean a higher rate of benefit for individual claimants. It will instead mean that some of the particular circumstances — such as our epidemic rates of poor mental health — are properly considered in the assessment process.

Mr Storey (The Minister for Social Development): I thank the Member for giving way. I have listened to what he has said. Is it not the case that, at some point, you have to make a decision? On the one hand, the Member says that it is a good investment to deal with the issue of medical reports, yet, on the other hand, he says that the money would be better spent on doing other things. I refer to what a number of Members have said, not only in this debate but in previous ones, which is that there was a five-party, five-leader agreement. Had the Member spoken to him, his party leader would have been able to tell him that considerable time was spent on this.

The Member has also asked why we do not see the regulations. My staff have spent hours and hours of work on what happened prior to, during and after the Stormont House discussions. In fact, when those discussions were going on, a huge amount of time was spent on getting figures and looking at different scenarios. Included in those discussions was his party leader. We then came to an agreement. At what point does the Member recognise that we

either have a deal and so move on or we unpick that deal, say, "No, we did a bad deal" and do something else?

Mr Beggs: The Minister misses the point that I have been making. I have been supportive of some of the expenditure that is occurring, but other Members are over-egging the pudding by saying that there will be almost no benefit changes and that everybody will be protected. There will be changes, and, ultimately, in the new benefit system, some people will not be as well off. Therefore, all this money — the £134 million in 2018-19 — will not go directly on additional benefit. It will go, and, in my opinion, correctly, towards some of the supportive measures that are being built in to try to protect people. However, that money may well go on administrative costs rather than on benefits. That is the reasoning behind some of my comments.

I return to the medical evidence package. Ideally, there should be sharing of medical evidence. It should be the norm among medical professionals that they are willing to share evidence as part of their basic contract so that there will be no additional cost to the public purse. At some point in the future, it would be good if we did not have to pay that and that it was deemed to be part of a GP or consultant's contract of employment. I hope that that will be the case, but we will have to wait.

I acknowledge that the compensation approach to the personal independence payment will have a significant extra cost. However, we should recognise this at least: the costs will not be open-ended. What is proposed is the so-called option A, meaning that the Department will have an even greater incentive to ensure that appeals are carried out in a timely manner.

Another important element is the supplementary payment fund, which is £125 million over a five-year period. I believe that that was thought up within a couple of hours. Some parties in the Chamber now claim that it will cover each and every reduction, and not just existing claimants but new ones. That is quite a claim to make for a fund that will average £25 million a year. I do not think that the figures add up for those making such a claim. I assume that much of the fund will go to supporting people who are impacted on by the limitations on contribution-based employment support allowance (ESA).

I ask the Minister to address, once and for all, those claims from Sinn Féin and to give us some feedback. Who will be eligible for support under this fund, and, specifically, can he

confirm whether he will offer total protection to new claimants so that they will not be worse off than they currently would be if they were to apply, as some are claiming?

Finally, we will be opposing amendment No 27 for the reasons that we spelt out at Consideration Stage. If we in Northern Ireland were the only part of the UK to remove the ability to apply the residence test, we could face significant additional costs. We alone in the UK could become a magnet for those willing to travel within the EU because of an enhanced Northern Ireland benefits system, and regulations would not be restricted on residency grounds. We would see our block grant, which would affect our health budget and our education budget, cut to pay for this suggested deviation from the legislation applying in the rest of the UK. No one knows what the costs for such an alteration to this primary legislation would be. There are already huge pressures in the National Health Service in Northern Ireland, and schools are facing budget cuts, although some of the final figures have yet to emerge. I will go as far as to say that it would be irresponsible to make the changes that are proposed in amendment No 27 and that that would adversely affect the citizens of Northern Ireland.

Mr Dickson: Once again, I start by recognising the concerns raised by Mr Agnew earlier today in the debate. It is understandable that he did so, because he was not party to that five-party agreement. Indeed, the Minister has explained to us, at least in part, that it was worked through in exceptional detail and costed. I think that that is the challenge to Mr Agnew and the amendments that he is proposing. They remain not costed, and, therefore, they have to, in my view, fall outside today's consideration.

Mr Agnew: I appreciate the Member giving way. Does that apply to all the amendments? For example, does it apply to the amendment that proposes having draft affirmative instead of confirmatory? In my opinion, that would not have costs, nor even would the 16-week time limit on giving the decision on a PIP claim, presuming that the systems are in place.

Mr Dickson: We await to hear what the Minister has to say about the cost effects of all the proposals that have been made today, either by Mr Agnew or by the SDLP. Certainly, I am prepared to give and accept a degree of latitude in terms of what Mr Agnew is saying by comparison with those who, whether or not they made a signature on a piece of paper, can well

be described as being signed up to a five-leader agreement.

I think that we do have to support the passage of this Bill through Further Consideration Stage and support the agreed amendments tabled by the Department. It is important to see that progress has been made in the past few weeks after what can only be described as two and a half years of deadlock, meaning that we can finally move towards the passing of legislation that will deliver the mitigation and move forward with that Stormont House Agreement. It is an agreement that was hard-won after negotiations between five parties, whether at Stormont Castle or at Stormont House. It is an agreement that meant serious compromise between those who have signs saying "No Tory Tax Cuts" in their widows and those who have tea and buns in the back garden of 10 Downing Street. That is the reality. That is where the compromise is, and that is where we have moved in relation to this Bill. The agreement has also meant that Northern Ireland has been able to secure welfare reform with mitigating measures that Wales or Scotland have not.

We must also remember that the agreement was not just about welfare reform but included other issues that have been stalling progress, many that are still to be worked through and resolved. We are moving to deal with issues like the legacy of the Troubles, flags and corporation tax.

4.15 pm

To undermine the mitigated welfare reform agreement is to undermine the process and the progress that is being made in Northern Ireland as a whole. Therefore, throughout this difficult process, my party has kept its discipline and kept its word to the spirit of those agreements because we know that it is the responsible thing to do. It causes me a great deal of dismay to see the opposite from the SDLP; a party that seems to be melting like snow off a ditch in front of our eyes, with dispute after dispute. It is a party with a leader who is incapable of exercising authority, whether it is over local councillors or those who sign up to agreements and then seem to want to amend them, and amend them, and amend them, and amend them.

This is the same party that, today, has brought forward another raft of amendments upon which they will build an electioneering platform, but one on which the foundation is very shaky indeed. Meanwhile, other more responsible parties such as ours must do, and have done, the heavy lifting in what is neither a popular nor

a thankful task but a necessary one to move things forward not only in relation to welfare reform mitigated but also to move Northern Ireland forward.

Bit by bit, the SDLP and others are seeking to add cost and weight to the Bill, which they know cannot be afforded, and make promises that cannot be kept. The SDLP U-turn is further accompanied by its own congratulatory fanfare in which it is a party that is protecting the vulnerable against a supposed heartless Executive. This question has to be asked: if it cannot make agreements with other parties, what chances are there for it keeping promises to the electorate?

Turning to the amendments that the Department has put forward, I am pleased to see that further mitigation measures are being brought forward on the basis on which the Executive have agreed. Amendment No 22 will allow for payments to those suffering disadvantage as a result of the reforms. Furthermore, without being over-prescriptive, the amendment provides the means for regulations in an area, as well as safeguards, to ensure that the spirit of protection for the most vulnerable is upheld in the final product.

I welcome amendment No 23, which will ensure that advice and assistance is made available free of charge to prospective claimants in connection with their claim. That has also come about as a result of compromise and consultation on the basis set forward by the Stormont House and Stormont Castle agreements. It is in stark contrast to the methods of others.

In many regards, the Department has a mammoth task in front of it to implement the reforms. We must now move towards bringing the regulations forward. That is where the real meat will be in how we can actually deliver on the agreement. We have agreed to that. We have got mitigating measures. It is now time to stop the grandstanding and move on.

Mr F McCann: Go raibh míle maith agat, a Cheann Comhairle. I support the amendments put forward by the Minister, and I oppose those in the names of Steven Agnew and the SDLP. I am sure you will be glad to hear that I do not intend to speak for long, as I believe that all that needs to be said was said when the five party leaders signed an agreement on 19 December, which, I believe, protects the most vulnerable in our society from benefit loss. That was a far different agreement from the one agreed two days before. It was an agreement —

Mr Speaker: Can you speak into the microphone?

Mr F McCann: I am just coming to the amendments. Sorry.

It was an agreement that excluded much of what was achieved on 19 December. You have to ask yourself what is it that the SDLP wants to achieve through its amendments. Is it to make things better for people? The answer must be no, given that it signed up for much less on 17 December, which is something that it still refuses to admit to people.

Let us take the amendments and clauses on sanctions. Had it been from any other party, I might have said, "Well, they are sincere on this matter", but the Attwood sanctions brought in during the last mandate, have, from 2011, seen over 80,000 people being reported for sanctions and 28,000 people actually sanctioned. Why did they not ask for people who fell foul of those sanctions to receive documentation? I would prefer it if sanctions were not being implemented. In fact, this party is on record as having that position when we argued against the Attwood sanctions, but we were part of a five-party agreement, which we have stood by. Did we get everything we wanted? No, we did not. Would I have liked to have got more in the agreement? Yes, I would.

What we got was an agreement that mitigates the worst excesses of welfare reform. We argued against the three-year sanction and were able to get it reduced to 18 months. What makes this debate difficult is that the SDLP agreed to a two-year sanction and then thought that it could pull the wool over people's eyes by supporting the six-month proposal from Steven Agnew.

Let us look at the proposed amendments. Amendment No 2, which is to clause 26, page 13, line 14, is on the provision of explanatory documentation and sanctions. Amendment No 3 is to clause 27, page 13, line 36, and it is my understanding that claimants will be made aware in writing of when sanctions will be applied. Through amendment No 3, the SDLP has again sought to amend clause 26, again seeking documentation. It is my understanding that, if someone is sanctioned, they will be given notification of the sanction. The same goes for amendment No 8, which is to clause 47, page 25, line 40; amendment No 9, which is to clause 47, page 26, line 29; and amendment No 10, which is to clause 47, page 28, line 12. Notification will be supplied to people of the sanctions that they face.

Amendment No 4 is to clause 30, which is under the heading "Delegation and contracting out". Sinn Féin has always been opposed to the privatisation of public services. I am again surprised that the SDLP raised that matter, given its record in the last mandate of privatising medical services, which saw Atos arrive on the scene and saw the hated work capability assessment being put in place. That has led to tens of thousands of people losing their incapacity benefit and employment and support allowance. We have also seen the SDLP implement the local housing allowance, which, on its watch, led to thousands of the most vulnerable losing out on housing benefit in the first stages of welfare reform.

My colleague Mickey Brady touched on Steven Agnew's amendments. I think that he echoed what I would have said, so I will not bore people by repeating his words, but I will stress again that Mr Agnew has had many opportunities to raise those issues and has not. It is his right to try to amend what he likes, but it is our right to highlight his inconsistencies as we see them.

I support the amendments in the name of the Minister and oppose the other amendments.

Mr Attwood: First of all, Mr Speaker, I apologise that I was not here when I was called during topical questions yesterday. I was on my way to the Hart inquiry in Banbridge, where Margaret McGuckian, one of the group's leaders, was giving her evidence. I realised that at 12.03 pm yesterday, but that was after the 12.00 noon deadline. So, apologies for missing that question. That is the background to all that.

I said at Consideration Stage:

"there is a new broom in DSD".— [Official Report, Vol 101, No 9, p4, col 1].

Mr Beggs, I think, was probably acknowledging that early in his contribution, before the Minister replied to him. I am not sure whether he will be of the same view following that last exchange. The issue today is this: if there is a new broom in DSD, will there be new thinking?

Mr Storey: Is it "if" now?

Mr Attwood: I think there is a new broom, but the consequence of a new broom is that there should be new thinking, or will we just have more of the old dust thrown up in people's eyes?

Mr Allister: Is that what happened in DOE?

Mr Attwood: Far from it. I say to all Ministers that you have to demonstrate sooner or later whether you are just in government or are in power. I think that there is an opportunity today, despite some of the chat across the Chamber, which I will respond to in due course.

I was struck by the Member from East Antrim's comment that the SDLP amendments are about adding "cost and weight" to welfare reform. I say to the Member that the weight is not from us. The weight that we are relying upon is the statutory advice of the Northern Ireland Human Rights Commission. Perhaps you want to dismiss the SDLP today, but you are under a legal obligation to listen to the Human Rights Commission's statutory advice. Our thinking on many of these amendments relies on that of the Human Rights Commission, which, Mr Speaker, sent you a paper that you then — I point out to the Member for East Antrim — circulated to the parties after Consideration Stage.

What is the Human Rights Commission? It was set up by the Good Friday Agreement — let us remember that — because of the law, order and justice issues around which our conflict revolved. The wisdom of the Good Friday Agreement consisted in resolving the issues of law, order and justice, which is what the Patten report, the criminal justice review, the Human Rights Commission and the Equality Commission were meant to do. It created an architecture that ensured that issues of law, justice and rights were properly managed, unlike in the past.

We established the Human Rights Commission, which, in its briefing in advance of Further Consideration Stage, said:

"The following statutory advice is submitted to members of the Assembly on the issue of the Welfare Reform Bill."

This is not made up by the SDLP; this is statutory advice given to the House. If there is weight to what we say, it is the weight of the Human Rights Commission, and Members should acknowledge that rather than play games with good advice given to each party in this House, which, clearly, people to my left will ignore during the debate.

The Commission goes further and says that it bases its position on the full range of internationally accepted human rights standards, including the European Convention on Human Rights, as incorporated by the Human Rights Act 1998, something that Mr Brady may wish to reflect on, given that he did not accept an intervention from me earlier on

the very point that we should build into the Welfare Reform Bill certainty that private contractors will comply with the Human Rights Act 1998. The commission then details eight or nine other conventions that inform the advice of the Human Rights Commission. The irony is this: the amendments proposed by Mr Agnew and by the SDLP at Consideration Stage are consistent with that advice, even though we did not then have the value of the statutory advice of the Human Rights Commission. It also informs many of those amendments now.

The question that falls to Members has not been fully answered by the other parties. It has been answered by Mr Stewart Dickson, who said that he is not going down the road of adding extra weight to this Bill, even though it is the advice of the Human Rights Commission. The issue for the Chamber, whatever the claims and counterclaims over Stormont House, and I will come back to that, is this: are we are going to hear the advice of the Human Rights Commission? *[Interruption.]* I will give way to the Member if he has something to say. He said something from a sedentary position that he is not prepared to say on his feet. Putting that aside, the question is whether we heed and pass into law the statutory advice of the Human Rights Commission, which all of us established in 1998 through the Good Friday Agreement and the Northern Ireland Act.

The other amendments, Mr Speaker, come from the advice sector. Two that relate to advice, assistance and information are a matter of taking their advice and trying to pass it into law. Are we or are we not, Mr Speaker, and, through you, Minister, going to have a new broom or old dust? We have to make that call over the next period. In my view, if people could extricate themselves from the straitjacket, which is how they seem to view Stormont House, many of these amendments might be acceptable. I think that it was Mr Brady who said that.

Mr Brady: Will the Member give way?

Mr Attwood: I will shortly. If he could get out of the straitjacket of Stormont House, he might wear a different suit when it comes to contributing and voting on these amendments.

Mr Brady: I thank the Member for giving way. You mentioned human rights. There was an Ad Hoc Committee on Conformity with Equality Requirements, as you may or may not remember, of which I was a member; it was the first time that it had been invoked in the Assembly. Your concern about human rights is

laudable, but when your leader and you were participating in those negotiations, were you not accepting that the agreements that were reached were not human rights-proofed, or are you saying that you signed up to an agreement that you were not happy with and that you now want to bring in amendments to ensure that it is human rights-proofed? It seems to be a peculiar way of doing things; it is kind of putting the cart before the horse.

4.30 pm

Mr Attwood: In any piece of legislation that goes before the Assembly, the Minister has to declare that it is human rights-compliant. I had to do it, Mr Storey has to do it and all Sinn Féin's Ministers have to do it; they have to declare that it is human rights-compliant. I would have expected Mr Brady, as somebody who has been involved in the passage of many Bills through the House, to have read, I think, the back page of any Bill that he might have been involved in to satisfy himself that the answer to his question is in the Bill.

My point is —

Mr Brady: What is your point?

Mr Attwood: I do not want to repeat my point, but the point is that the Human Rights Commission is saying, "Here are additional mechanisms to build into the legislation", based on its right to give us statutory advice. It believes that that is completely consistent with human rights standards and can enhance protections. That is the point. I would like to think that, if people freed themselves from the constraints of the normal debate in this place, they would, based on what the advice sector or the human rights sector is saying, endorse amendments from the SDLP or Mr Agnew.

I will respond to other points that have been made by other Members when I go through the various amendments. The Minister might want to correct me on this; I may well be speaking out of turn. At Consideration Stage, we did not move the amendments that were on the Marshalled List at the time in respect of advice and assistance; I think that they are now amendment Nos 17 and 23. As the Minister knows, as I, as a previous Minister, know, and as other people in the House know, one of the devices of making good law is not to move in order to have some further conversations with other parties or the Minister to come to a better outcome. That is why we did not move the amendment in respect of advice and assistance at Consideration Stage. I got a sense that the

Minister's mind was more open than might have been anticipated in that regard. Consequently, there have been useful conversations with the Minister, and they have made some advance. It is for the Minister to talk about the advance in his thinking, but, in anticipation of it, he has tabled an amendment in respect of advice to claimants.

Maybe I am breaching confidence here; if the Minister indicates that I am on the wrong side, I will restrain myself. When the Minister said to me and Mrs Kelly that he was minded to bring forward an amendment in the terms that are on the Marshalled List today, my immediate reply was that the word "independent" was missing. Whilst people can take advice from the advice sector, the word "independent" being missing is a major deficit. I know that it is not the intention of the Minister, but it could lead to the potential, especially in a situation where there could be more austerity from London over the next number of years, for the statutory right to give advice to fall to the Department. In that moment, in order to ensure that it lives up to the statutory right to give advice, the independent sector is diminished and diluted. That is at the core of the discussion and the decision that the House has to make in respect of the amendments regarding independent advice and assistance or advice as set out in the amendment from the Minister.

I urge the House, given the need to protect the independent advice sector, to accept the SDLP amendment. In doing so, I rely on a number of arguments. First, if you look at the evidence that the Social Development Committee took from the independent advice sector in 2013 and check the Hansard record of a debate in the Chamber in 2013, you can see that it was unanimously viewed that the independent advice sector was highly valued and very important in ensuring that those who sought advice were given all the advice that they required. Given that that was the very strong view of the Social Development Committee and the unanimous view of the Chamber when a motion on advice-giving was tabled, I think that the Chamber, its Members from all constituencies and all its parties know the value of independent advice. We have said it to ourselves and to that sector about the role that it plays. The background to our amendment is what the Chamber has endorsed and what the Committee acknowledged when it took evidence from the independent advice sector.

I make the point that the law should, in particular, refer to independent advice and assistance because of some of the experience that we have had in recent times when it has

come to the Department working with other agencies in order to give advice. As the Minister will be aware, the Social Security Agency has conducted a financial support service trial that involved the agency, the Department of Agriculture and Rural Development and the Public Health Agency. It was an effort to build up the advice being given to people from a certain client background. I have read that report over the last number of days, and I would rely on it when it comes to why we believe that the independent advice amendment should be supported.

The Minister will be aware of what the trial concluded. On the subject of measurement of success criteria, the FSS evaluation report and letter states:

"The analysis against the success criteria show that the first two criteria were not met, with no claimants taking up the signposting opportunity to speak to the advice sector on generalist advice and only minimal taking up of specialist advice".

The Minister's own report says that. Even though there was a pilot being run across DARD, the Social Security Agency and others, whereby enhanced advice was being given to claimants, what did they have to do? They had to signpost those claimants to go off to the independent sector because they did not have the in-house capacity to give them all the advice that they needed when it came to managing all their affairs. What was the consequence when people were signposted to speak to the advice sector on generalist advice? It was that no claimants — not one — took up the opportunity. At the same time, there was only minimal take-up of specialist advice.

I put it to the Minister that, when it comes to the issue of a statutory right, if it ends up that the statutory right concentrates its focus in respect of the life of the Social Security Agency, then you might replicate the hard experience of this pilot, where it is clear that the SSA, for all its capacity, was not able to give all the advice to a claimant that was necessary and that the claimant therefore had to be signposted to generalist and specialist independent advice-giving agencies. What happened? The claimant did not go there.

The argument that I make to the Minister is that, if we are to recognise — I think that he recognises this — that there is a need to give advice to claimants, given the general circumstances and the particular context of welfare reform and universal credit and the hard

experience of that pilot — the report is from May 2014, so it is very recent experience — it is the independent sector that needs to be in the Bill. That by no means precludes in-house advice, but advice on the basis of that evidence must, in my view, be in law, referencing the independent sector as well as in-house sectors. I urge the Minister to consider those points over the next couple of hours before a vote is taken.

The Minister will be aware that the report outlines all the signposting of claimants across the range of their needs. I cannot fully recall the figures, but a very significant portion of those who were being given advice under the pilot — I think that it was 46% — and then had to be signposted to generalist and specialist advice agencies did not go there. I also have to say that there was good experience in the SSA/DARD pilot, and I do not want to diminish that in any shape or form. Nonetheless, there is real evidence that the balance of the argument lies in putting access to the independent sector in the Bill. In general, I refer Members to all my comments about the advice sector at Consideration Stage.

I will conclude my point on these amendments by saying that 1,493 claimants out of 2,758 FSS interviewees — that is over 50% and is probably 56% — were signposted to generalist or specialist advice-giving agencies. The report outlines who they were in terms of personal budgeting, money management, debt advice, the Housing Rights Service, improving benefit take-up and so on, yet the experience is that virtually none of the people who were signposted to any of those agencies went there. We should learn from that by making our amendment to the Bill.

As you might have gathered, there is no particular order to this. I will move on to amendment No 27 to schedule 1. Once again, this advice comes from the Human Rights Commission. If I may, I will read into the record its statutory advice to the House for work-related requirements and schedule 1:

"Schedule 1, paragraph 7 provides a power to make regulations for claimants who assert a right to reside to automatically be treated as falling within the 'all work related requirements'. Based on the regulations subsequently published for the scheme in Britain this will mean most European Union migrant workers having to actively seek 35 hours a week regardless of their circumstances. In effect, for example, a Polish claimant losing work who has a child under 12 months, caring for a severely disabled person or who has health

problems, will be required to seek work 35 hours while her counterpart from Northern Ireland will be placed in the no work related requirements.

Moreover, concessions which allow people in limited work categories to seek self-employment route back to work without facing the 'minimum income floor' will also not be open to EU migrants. This concession is provided to claimants in the 'all work requirements'."

This is the critical paragraph:

"These provisions are discriminatory and arguably contrary to European law which provides that EU migrant workers should be provided with the same social and tax advantages as UK workers. The issue has yet to be legally tested in Britain as the roll out of Universal credit in pilot areas has precluded EU migrant workers.

The Commission recommends that this clause should not be enacted."

Here we have the Human Rights Commission saying that, whilst the Minister has endorsed the human rights compliance of the Bill:

"These provisions are discriminatory and arguably contrary to European law"

in respect of schedule 1, paragraph 7. Given the scale of those words and the fact that it has not been legally tested in Britain because there has been no universal credit pilot for EU migrant workers, it seems to me that a precautionary approach informed by the Human Rights Commission is the right one. For that reason, we make this recommendation in respect of schedule 1.

4.45 pm

Amendment No 4 deals with private contractors, and I will respond to the earlier comments from the Sinn Féin Benches. If it is the case, as Mr Brady outlined, that he opposes the privatisation of work in relation to welfare — I presume that he means welfare in this instance but also more generally — and if that is the point of principle, Sinn Féin should have tabled an amendment to force a vote in the Chamber on that point of principle. Mr Brady said that Sinn Féin opposed the use of private contractors, so it follows that it would table an amendment, but Sinn Féin has been silent.

I say this because I was rereading Hansard from the time when I brought welfare reform legislation through the Chamber. What I said on those occasions and say it again now is that Mr Brady is probably second to none in the Chamber in his understanding of welfare operation and practice. I do not think that anybody would dispute that. I did not dispute that in 2010 and 2011 when bringing legislation through the Chamber as Minister for Social Development, and I do not dispute it now. He has a wealth of knowledge. That, by the way, is no endorsement of Mr Brady when it comes to events that might arise in Newry and Armagh, where it is game on —

Mr Brady: Will the Member give way?

Mr Attwood: I will give way to the Member.

Mr Brady: Is that what is meant by "damned by faint praise"?

Mr Attwood: If I were to damn you, Mr Brady, you would know that it was not by faint praise. Whilst I wish every candidate well, I know that Justin McNulty will win well.

Putting that aside, I will not second-guess Mr Brady when it comes to his knowledge of welfare. Indeed, he is right to call me to account on Atos. I was the Minister, so, if, on my watch, something did not work, went belly up, was not quite right or ended up with a private contractor getting out of a contract because of the way things were done, you are right to call me to account. It should be exactly the same for every other former Minister. It will be no reassurance to Mr Brady — officials in DSD will confirm this — that I struggled with that contract being made. In my time at DSD, I looked at ways in which I could go through it, get round it or go over it, and I was not able to do so. I did not go in the direction of Atos with any enthusiasm. In fact, it was quite the contrary. I tried to find ways to deal with the issue. Did I anticipate that Atos would potentially end up in the hole that it ended up in? Yes, I did, but I was not able in the circumstances at the time to do what, left to my own devices, I might have done.

I have to say to Mr Brady that there were no petitions of concern presented to us or any other party in respect of any aspect of welfare reform legislation at that time. If Mr Brady reads the Hansard reports of debates on welfare reform in June 2010, he will see that he said that his party would not seek a Division. That was in June 2010. Mr Brady said in the Chamber that he would not seek a Division on

the welfare reform legislation that I was bringing through the House at that time. You may want to criticise me over Atos or the welfare regime that was working itself through at that time, but Mr Brady and Sinn Féin on the Floor said that they were not even going to cause a Division —

Mr Maskey: Will the Member give way?

Mr Attwood: I will in a second.

They were not even going to cause a Division, never mind table a petition of concern against all of that. Therefore, if there is history around welfare reform, it is history that applies to more than one individual or one party.

As everybody in the House knows — whether they admit it or not, Hansard confirms it — I repeatedly put down markers in the Chamber about what was happening in May and June of 2010 and in November 2010 when I came back to the House to tell it about the scale of what Iain Duncan Smith, as Secretary of State for Work and Pensions, was about to deploy around universal credit and welfare reform. Members including Mr Brady and Ms Ní Chuilín said that, when it came to those issues, I, as Minister, was on the same page as them.

Mr Maskey: I thank the Member for giving way. It is unfortunate that we should end up spending half of the day talking about what happened a number of years ago, but it is important to put on record what happened. The Member referred to Sinn Féin's position in a previous mandate, when he was involved with welfare legislation, as his predecessor had been. That is fair enough. I always understand the difficulties that all Ministers will occasionally find themselves in, but, if the Member wants to quote Hansard, it is important to quote all of it. It needs to be clearly stated — I would like the former Minister to acknowledge this — that the Sinn Féin members of the Social Development Committee at the time — Fra McCann, Carál Ní Chuilín and Mickey Brady — were very vociferous in their opposition to key aspects of the welfare reform legislation that was being put through. They expressly placed their objections on the record, both in the Chamber and in Committee.

When the previous Minister put the legislation through by way of accelerated passage, we did not have the requisite numbers to table a petition of concern, as the Member knows. Hansard shows that Minister Ritchie and her party colleagues were very clear that accelerated passage was needed to make sure that the legislation was put forward in the

interests of maintaining the principle of parity. If the Member wants to keep referring to Hansard, he should recall all of Hansard. We should move on to the legislation that we are currently dealing with.

Mr Attwood: I was replying to Mr Maskey's colleague, which I was entitled to do. If we are not going to talk about the past, perhaps Mr Maskey will scold Mr Brady, because he brought up the past.

Mr Speaker: There were remarks directed at you relating to your tenure as Minister. You were entitled to respond, and I gave you the space to do so. However, I invite you to bring it up to date now.

Mr Attwood: The only other point that I will make about that time is that, as Hansard will confirm, my argument was this: let us stretch parity. Those are the words that I used. I went further and said that, if we were going to look at the issue of parity, we should do so in a discerning and not a reactionary way. I recall, as Hansard will confirm, that Ms Ní Chuilín complimented me and said that my approach — to stretch parity — was the right one.

I move back to the amendment on private contractors. The Member for East Antrim has left, but this is the one part of the Human Rights Commission's submission, which runs to 20 or 30 paragraphs, in which an amendment is drafted for the consideration of Members. It gave advice in respect of many aspects of welfare reform. This is the one where it went further and drafted an amendment. We reworded that amendment because the Bill Office indicated that there might be some issues about it. What the amendment states — we tried to reflect this as faithfully as we could, consistent with the advice of the Bill Office — is:

"The Commission advises that, for the avoidance of any doubt, the Bill makes clear that those private contractors are subject to the jurisdiction of the Human Rights Act 1998. The Commission proposes that a new clause should be inserted after clause 30. It may read:

31. - (1) Authorised persons under section 30 shall be taken to be exercising a function of a public nature.

(2) In subsection 1 'functions of a public nature' has the same meaning as in section 6(3) of the Human Rights Act 1998 (acts of public authorities)."

We have taken those words and slightly adjusted them in order to meet the approval of the Bill Office — they might even meet the approval of the House — and to probe that issue. It may be that, when the Minister replies, he will be able to say that, actually, it is taken care of in some other subsection of that clause. I cannot see it there, but I am prepared to be convinced that what is in that draft clause captures what the Human Rights Commission recommends in respect of private contractors.

The reason why it is so crucial that we have absolute certainty in respect of this is partly the point made by Mr Brady about what the private contractors do or do not do when it comes to the treatment of claimants, but it is more than that. It is that we all know that the Tory dogma on the delivery of public service is to put more and more public services in the hands of private contractors. The House will remember how private contractors were appointed to manage the DEL Steps to Work contracts in the summer or early autumn of 2009. When DEL awarded training contracts to a private contractor that happened not to be resident in Northern Ireland, that private contractor — one of the biggest private contractors in Britain — had one member of staff and one mobile telephone in Northern Ireland. Then it was given a number of weeks by DEL and DFP to satisfy DEL and DWP that it could deliver the contract. How did it do that? By subcontracting the work to Northern Ireland contractors and taking 15% or so of the overall cost.

Mr F McCann: It happened a couple of months ago.

Mr Attwood: And it is still happening, so we need to be very wise when it comes to any legislation that is generalist in its content but gives opportunities to private contractors to get business on behalf of the state. Mr McCann whispered in my ear there that it happened a number of months ago in respect of private contractors and how they conduct themselves in the delivery of public services. There is a lot of bad experience when it comes to private contractors across the delivery of public services in Britain and, increasingly, in Northern Ireland. What the Human Rights Commission is doing, as I understand it, is trying to build it into law that private contractors should be required to comply with the relevant sections of the Human Rights Act, because the private contractor is fulfilling a function of a public nature.

The Human Rights Commission has brought this to the attention of the House because of a court case back in 2002: *R v Leonard Cheshire*

Foundation. This is what Lord Justice Woolf — Lord Woolf, as he then was — said. The case revolved around claimants who were elderly and in a nursing home:

"who challenged the foundation's decision to close it after they had been there more than seventeen years. The Court of Appeal held that the foundation was not a functional public authority under Human Rights Act s 6, because its contract to provide housing to residents funded by the council did not involve any public functions."

Lord Woolf said that it was:

"not standing in the shoes of the local authorities",

But he added:

"in their contracts with private housing providers, local authorities ought to require the providers to respect the residents' Convention rights."

5.00 pm

What the Human Rights Commission is arguing, as I understand it, is this: let us create certainty that any contracts that the Social Security Agency enters into with private providers or government must require the providers to respect the resident's convention rights. The Minister may yet be able to convince me that this is in the clause. It is certainly not in the words of the clause. It may be there implicitly, but we need to have certainty. I urge the Minister that the best way to create certainty is to have those words in the contract.

I want to move on to the bedroom tax and amendment Nos 11 and 20. I will start by reminding the Minister what he said at Consideration Stage in respect of then clause 69. He will know what I am going to say. He was asked on the Floor:

"In the short term, the critical question is this: if someone decides that there is a significant change in a tenant's personal circumstances and there is suitable alternative accommodation, and the tenant says that they do not wish to move from their three-bedroom house, will they be subject to the bedroom tax?" — [Official Report, Vol 101, No 9, p25, col 2].

The Minister replied:

"That will be dependent on how we develop the scheme. I have heard a lot of comment in the last 24 hours that people want us to be definitive about every individual single issue." — [Official Report, Vol 101, No 9, p25, col 2].

Yes, we do want you to be definitive about every single issue.

"There is no doubt about what will happen. There will be those who, for their own political reasons ... will bring out examples and say, 'You said there wasn't going to be this. Well, here is the evidence.' Let us remember that we are dealing with a complex situation and with families who face a variety of challenging and complex circumstances. Not everybody's family is as unified as we would like them to be. Families today are more diverse. I say this on a personal basis ... I cannot give this House a blank cheque so that, in every set of circumstances in relation to all the issues that we are dealing with, every one of them will be dealt with in exactly the same way ... I ask the Member to give us the indulgence to ensure that we are in a position to develop the scheme. Officials are doing that, and I hope to be in a position to see the proposals relatively soon." — [Official Report, Vol 101, No 9, p25, col 2].

My question to the Minister was:

"if someone decides that there is a significant change in a tenant's ... circumstances and there is suitable alternative accommodation, and the tenant says that they do not wish to move from their three-bedroom house, will they be subject to the bedroom tax?" — [Official Report, Vol 101, No 9, p25, col 2].

That is the question that has to be answered today. Earlier in the debate, Mr Maskey had said:

"what we have at this time is an agreement for the next number of years under which no one will have to pay the burden of that bedroom tax. That, I think, is one of the most important messages that should come from this Chamber yesterday and today ... People out there who are suffering through wondering whether they are going to have to pay additional rent or move out of their house now know as a result of this five-party agreement that they will not have to suffer that." — [Official Report, Vol 101, No 9, p14, col 1].

Mr Maskey was unambiguous:

"People ... who are suffering through wondering whether they are going to have to pay additional rent or move out of their house now know as a result of this five-party agreement that they will not have to suffer that." — [Official Report, Vol 101, No 9, p14, col 1].

However, the Minister seemed to be somewhat more uncertain. Therefore, the amendment that we have on the Marshalled List is to probe that potential difference. This is the question that I have to ask the Minister: in the event that there is a person who somebody decides has changed personal circumstances and there is alternative suitable accommodation, will they receive the bedroom tax given that they are in an over-accommodation situation, as London might describe it, or will they not receive the bedroom tax? What is the answer?

If somebody has suitable alternative accommodation, their personal circumstances have changed and they say that they are not leaving the house, will they be subject to the bedroom tax? Will they be put in an impossible situation where, to avoid the bedroom tax, they are obliged to take up the alternative offer of accommodation? If that is the case, I say to the Minister that it appears to me that, having closed the bedroom tax through the front door, we will now have it through the back door. There will be a category of tenant who may disagree with the assessment of their personal circumstances and about suitable alternative accommodation, and because they will not receive the bedroom tax in those circumstances, they will have to pay part of the rent from their own resources or will have no alternative but to say, "I have to get out of my property". Mr Maskey is not here to speak for himself, but I do not think that that is what he understands about mitigation in the bedroom tax on a pound-for-pound basis for any person, be they a current or a future tenant. Are we saying to people that, irrespective of the bedroom tax, there will be circumstances where they will have to vacate their properties? We need absolute clarity on that.

In the current circumstances with the bedroom tax and the lack of smaller social housing units, in the context of segregated housing in many parts of this part of Ireland, not least in Belfast, and as the new regime is rolled out and the discretionary fund and the mitigation of the bedroom tax are implemented, we believe that the policy position should be the creation of certainty for tenants now. That certainty is that they will not be required to vacate their

properties, even if somebody makes the judgement that their personal circumstance have changed and that suitable alternative accommodation exists. You have to give that upfront certainty now, otherwise doubts will creep in that the Stormont House deal, which, on a pound-for-pound basis, mitigated the bedroom tax, is not all that it appears on whatever piece of paper that outcome is recorded. I urge the Minister to give that reassurance by endorsing our amendments, which have that policy consequence.

Of course, there are wider reasons why the Minister might want to adopt that policy position. It seems to me that the Tories so often look at people's accommodation as a house and not as a home. During the Consideration Stage debate, I recorded a conversation that Reg Empey and I had with Chris Grayling, who was a junior Minister in DWP when Mr Empey was the Minister for Employment and Learning, about why somebody in a social house had to vacate it. He argued that, if somebody in a privately owned property has to give up the ownership of that house because of financial difficulties, it was only fair that somebody next door, who was a social tenant and in receipt of housing support, should have to give their home up as well. That was the logic of Chris Grayling's argument, and I thought that that was a strange value that verged on the offensive.

I say to the Minister that, given the policy position of the current context, we should view where people live not as their house but their home. In viewing it as a home, we need to give every possible protection to them in their security of tenure. That will mean that, when it comes to someone living in a house, even where their personal circumstances may have changed and suitable alternative accommodation may be available, any move has to be with the tenant's consent. Where future treatment of that tenant is concerned, it cannot be imposed either through the back door or the front door through paying the bedroom tax or not. We urge the Minister to adopt that approach.

May I deal, briefly, Mr Speaker, with amendment Nos 2, 3, 8, 9, 10 and 11? This is in respect of basic information being given to sanctions. I listened to what Mr Brady said in this regard and about how he understood that all the matters that were addressed in those amendments were being catered for under the new welfare reform regime. I await the Minister's comments in that regard.

Again, this amendment was drafted by the Advice Services Consortium; it was not drafted by wise people in the SDLP. The Member for East Antrim seems to have some doubt in that regard. I will come back to his comments in a second. On this amendment, the Northern Ireland Council for Voluntary Action (NICVA), which has a view on welfare reform, as people know, and the Advice Services Consortium said:

"On any occasion when a decision is taken to enforce a benefit sanction on a claimant, the following steps should be followed:

The relevant statutory agency/agencies must provide the claimant with a clear, easy-to-understand written explanation detailing why this decision has been taken

Claimants must be given a 1-month window in which they can commence a formal challenge against the sanction, during which time any sanction will not commence and the benefit will continue as normal;

In their written explanation, the statutory agency must inform the claimant of the availability of independent advice, and provide details of independent advice centres in their area."

If the Minister can satisfy on those three questions, the amendment might not be moved; however, we will look for explicit reassurance in his answers to those three questions.

I will move on and ask a number of questions on the substantive amendment from the Minister in respect of the new fund. He might not be in a position to answer all these questions now, but, in the fullness of time, I ask for answers to be given one way or the other.

First, there is some discussion about making the medical advice for PIP a mandatory service, whereby GPs and consultants, in their contractual arrangements with government, would be under a mandatory requirement to provide medical advice. That is a good advance, and it is a good outcome that money is being provided to enable claimants to get independent medical advice. However, to harden that outcome, will the Minister advise whether there is any proposal or thinking in respect of making it a mandatory requirement on GPs and consultants, in their contract with services with the state?

Secondly —

Mr Brady: Will the Member give way?

Mr Attwood: Yes.

Mr Brady: It is my understanding that the IB113, which is the form that the Department sends out to a GP, is part of a contractual arrangement. It is different if somebody goes to a doctor and says, "I need a note". The IB113 is a form, issued by the Department, that doctors fill in. That is the case, as far as I am aware. I have checked it in the past, and that is what I have been told. It is part of the contractual agreement, but that is the only form that they have to fill in. What we are talking about in respect of medical evidence having primacy may well be a different thing from a consultant. So, I think that you might have difficulty in getting consultants to agree that as part of their contractual arrangement. Some other financial arrangement may have to be addressed.

Mr Attwood: As I indicated earlier, I will certainly defer to the Member's knowledge of the operation of this, but he will also confirm, from his knowledge as a political representative and as a welfare worker in the Newry area, that the written evidence that comes from doctors and consultants can be of a very mixed pedigree. Some will write a short, indecipherable note; others will write a substantial report. So, I think that there is probably a need to standardise. There is, I think, somewhere in the system, thinking that you can create systems whereby GP or consultant medical evidence can be part of a contract, but it should also be done in a standardised way.

What is the point in government allocating whatever tens of millions of pounds each year to provide medical evidence if you end up with some indecipherable note from a GP or consultant. I say that without criticising doctors, because we have to be very careful not to criticise doctors these days. Also, my writing is indecipherable; you only have to go and speak to the staff in my office to understand that. The point is this: is there some thinking about how to standardise and build into the architecture of the relationship at a contractual level between the state and doctors?

5.15 pm

Secondly, going back to the amendment that the SDLP tabled at Consideration Stage in respect of people who have a condition that arises from an incident involving a state agency or a terror organisation — what is known as a conflict-related event — is there any fresh thinking about how to manage people who

move from DLA to PIP in those circumstances? I think that there was a very strong view at Stormont House and in the Chamber that we should deal with that.

Thirdly, the Minister indicated previously that there would be some further work done on the welfare cap commission. There is some indication that there have been discussions with DWP and Treasury in that regard. Can you indicate where we are with that piece of work, the draft terms of reference and when it might be taken forward? As you know from our previous submissions, we think that the welfare cap and the benefits cap will become harder issues over the next period of time, and very quickly if the Tories get elected. I think that you will see, as they did in June 2011, that they will move very quickly to make further interventions in the overall benefit spend and the overall individual benefit entitlement. Yesterday, the commentary from London was on the back of the Prime Minister's commitments to our senior citizens — proper commitments in many incidences — to give them guarantees on benefits and other assistance. The immediate question and implication was that the strain was going to fall further on the welfare budget and welfare claimants, because, as the Tories move to protect one sector of our society, there is an equal and opposite effect and impact on another sector of our society. The commentary in London yesterday was that, on the far side of those guarantees, there will be more pain for those on welfare. That is why we think that the proposals for a welfare cap commission will be very important.

I conclude by making these points. I checked with the leadership of the Alliance Party and the leadership of the Ulster Unionist Party. There were a lot of conversations in Stormont House and Stormont Castle about the Budget, welfare and all the other matters. However, checking with the leadership of the other parties, what is claimed did or did not happen on 17 December is not consistent with what they say happened on 17 December. If I am going to rely on people, I would rely on those people. Could I also say that —

Mr Durkan: I thank the Member for giving way. I was listening intently to the Member and wondering whether he was saying that there is a three-party agreement that there was no four-party agreement? *[Laughter.]*

Mr Attwood: The Durkans always have a turn of phrase, and that is certainly another example of it.

The real issue is whether there was a two-party deal. That is the issue. You can take this whatever way you want, and you can rely on it, or you may not want to rely on it. Of course, Mr Robinson made claims long before Stormont House, long before Stormont Castle and long before these negotiations. In fact, in April 2014, he claimed that there was agreement in 2013, not between five, four or three parties but at OFMDFM level. Mr Robinson said:

"After a long period of negotiation – and I was directly involved in those negotiations because it ended up, as most of the problems do, on Martin's desk and on mine – we agreed a package with Sinn Fein at OFMDFM level ...

I think it was about May 8 [2013]; Sinn Fein held their meeting of party colleagues in what they hoped would be an endorsement of that negotiated package.

I was called in on a Saturday afternoon by Martin who had come down to tell me that he had been unable to get the package through their party organisation."

That package had no supplementary payment fund or any money to go off and get medical evidence, and it did not even have guarantees about the bedroom tax, which may or may not be unravelling, for future tenants; it had cover only for current tenants. To be fully accurate: Mr McGuinness is furious about Mr Robinson's claims:

"I think it was a big mistake for him to [do that]. Quite clearly some of the things that he said in relation to the discussions that took place between himself and myself ... on the issue of welfare cuts bear no reality to what happened at the time."

Let us park everything that happened in May 2013, to take up Mr Maskey's point, and what the parties were and were not prepared to sign up to. We should take some strength from the fact that, whilst we differed on it at times, the package that came out did so because people held the line on welfare. They held the line in the first instance when petitions of concern were tabled in respect of the bedroom tax and the overall Bill, some of which were endorsed by one but not all the parties. It was then taken through the Ad Hoc Committee, which was, Mr Brady, an SDLP proposal. Mr Durkan MP proposed to the SDLP that we should use that mechanism to interrogate the legislation, and it served the Assembly well.

I also welcome the journey that the DUP and other parties went on to work up a bigger and better package, one that I would like other jurisdictions in these islands to remodel in their own image and for their own needs. If there is strength in what came out of the five-party agreement, it will hopefully have application for welfare claimants wherever they may be on these islands.

I ask the Minister to confirm what Mr Maskey said or did not say: is the bedroom tax neutralised? On the basis of what you said the last day, some doubt and uncertainty hang over the Chamber this afternoon.

Mr Lyttle: I start by saying that Mr Attwood and Mr Durkan might want to reflect on the accusations that they have made about the validity of multiparty agreements on this issue, given the SDLP's inability to get one-party agreement on any issue at this time.

My Alliance Party colleague Stewart Dickson set out the general Alliance Party position at this stage of the Welfare Reform Bill and the rationale for opposing amendments.

A Member: Will the Member give way?

Mr Lyttle: I want to make some progress.

I take the opportunity to return to the amendments concerned with ensuring access to independent advice services. At Consideration Stage, I sought assurances from the Minister as to how he would ensure adequate access and resourcing for independent advice services in lieu of a statutory duty to ensure access to them. I was grateful for his response in his winding-up speech. He set out the current provision for independent advice services through the DSD advice services strategy, Opening Doors, and confirmed a budget of around £4.5 million for advice services in Northern Ireland.

I have a few additional questions for the Minister, and I hope that he will be able to respond. Will he go into more detail as to how exactly that £4.5 million budget is being distributed and what outcomes are being achieved through it? He knows that, at the previous stage, I raised my concern that the East Belfast Independent Advice Centre, which receives, as far as I am aware, a mere £40,000 from DSD, achieves significant outcomes for that investment. In the overall scheme of £4.5 million, that seems a very small investment. It would be good to know how the greater part of that £4.5 million is being distributed and what

type of outcomes are being achieved as a result.

The Minister also spoke of how responsibility for independent advice services would transfer to councils. I would be grateful if he would go into more detail on how councils will be able to distribute and maximise these resources in an even better way than is the case currently. He gave a commitment and an assurance that work with independent advice services would be intensified, and he acknowledged the case that I made for the excellent work of the East Belfast Independent Advice Centre. He commended its work, which I am grateful for, and he referred to the huge amounts that it is able to draw down on behalf of some of the most vulnerable. Indeed, he said that this efficiency was a model that could be transferred to the rest of Northern Ireland.

I remind the Minister that the East Belfast Independent Advice Centre, and many other advice centres of its kind, achieve these outcomes on a relative shoestring, and it appears that that shoestring could be getting shorter. I mentioned that the centre gets a mere £40,000 from DSD, and my understanding is that gets only £30,000 from the council, yet it returns millions of pounds in benefit entitlement and assistance to the people of Northern Ireland. I ask him again to be more specific about how exactly the work to support those important services will be intensified and improved.

Mr Agnew: I thank the Member for giving way. He will be aware that two amendments are tabled: amendment No 17 was tabled by the SDLP and countersigned by the Green Party, and there is an amendment from the Minister. For me, the essential difference between the two is that the Minister's amendment does not cite independent advice, which the Member has mentioned a number of times in his contribution. Is he concerned about the Minister's amendment?

Mr Lyttle: I thank the Member for his intervention. I agree with the spirit of the concern that he raises, and I hope that the Minister will be able to clarify why his assurances to intensify support for independent advice services mean that his amendment should be supported in lieu of the amendment that clearly states the duty on independent services.

The Minister, in his response to the debate on the Bill's previous stage, raised a concern that placing a statutory duty on independent advice services might hamper their independent

nature. I am not sure that I agree with that, and perhaps the Minister would care to elaborate. Regardless of a duty or otherwise, it is essential that we get firm and clear assurances from the Minister that his Department and the Executive will adequately resource independent advice services so that they can continue to achieve excellent outcomes for our community. I have asked for assurances on how he believes the transfer to councils of the responsibility for independent advice services will be a more efficient and more helpful way to support and deliver those services.

I welcome the Minister's assurances, but I would be grateful for greater clarity on the key question of how that £4.5 million is being distributed and utilised. Perhaps the Minister can go into more detail on how the Social Security Agency is performing against its existing targets for benefit uptake, given that, as Mr Agnew stated today, the Minister proposes an amendment that makes no specific reference to independent advice services. There are concerns that the support would go not to independent advice services but to statutory advice services. It would be good if the Minister could speak to how statutory services such as the Social Security Agency are performing against their targets for benefit uptake.

I also ask the Minister what specific plans he has for that intensification of support and work in conjunction with the independent advice services. Can he confirm again that adequate resources will be given to the successful, efficient and essential independent advice centres that exist in our community, such as the East Belfast Independent Advice Centre?

5.30 pm

Mr Allister: Whereas my contribution, content-wise, is unlikely to be like that of either of the previous two Members to speak, I assure the House that its duration is more likely to be akin to Mr Lyttle's than Mr Attwood's.

Mr McCallister: Give us an hour, Jim.

Mr Allister: Do not tempt me.

I want to focus primarily on amendment No 22, which the Minister has tabled. Its opening words unveil that it is all about making payments:

"to persons who suffer financial disadvantage as a result of the changes to social security benefits and tax credits

contained in this Act and the Welfare Reform Act 2012."

There we have it. The clause, with akin clauses, is about effectively nullifying the import of welfare reform in Northern Ireland. The spin-off of that is the cost that will flow from it. Strangely, in the House today, we have hardly heard a word about how that will be funded and what it will cost. It seems that tonight, on BBC's 'Spotlight', that question may be asked, but it has not really been asked in the House, and this is a House that is supposed to have control over and an interest in the public finances of Northern Ireland. The reason that it is not asked is the embarrassing answer, which is that the cost will be £564 million over the next six years. That is not money that will drop like pennies from heaven, nor is it money that is coming on some white charger; that is money that is coming out of the very heart of essential expenditure in Northern Ireland. It is coming out of the block grant. No one is giving us any extra money. The money is coming out of the money that currently is spread over our schools, hospitals, roads and other vital services.

To fund amendment No 22 and others, we are going to diminish that vital coterie of money, and we will do it in a way that will have inevitable adverse consequences for the people who pay their taxes, go out to work, get out of their bed in the morning and make a contribution to society. We are going to use the money that pays for the hospitals for us all, the schools for us all and all the other vital services to deliver the deal that was done between the DUP and Sinn Féin on welfare reform in order to nullify the effective impact of welfare reform.

Welfare reform, whatever one thinks about it, had certain component parts, one of which was incentivising work. At the stroke of a pen, we are going to liquidate that idea in Northern Ireland through the supplementary funding and through making sure that no one gets less. It is not just, I beg to suggest, for six years. Think the matter through. Over those six years, take the benefit cap, for example, for which some of the money will be used. At present, 6,600 families in Northern Ireland receive more than £26,000 net in benefits a year, which equates to earnings of £33,000 or £34,000. On average, those 6,600 families receive £30,700, equating to earnings of over £40,000 a year. It may be, depending on what happens in the general election, that the benefit cap in GB will fall to £23,000. Think of the differential that will exist in six years' time, even on the issue of benefit caps, between Northern Ireland and the rest of

the United Kingdom, and then ask yourself the question —

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

Mr Brady: Will the Member give way?

Mr Allister: In a moment.

Ask yourself whether there is any prospect of reverting to the status quo at that point. Of course there is not.

Through the amendment, the Minister is asking us to sign that blank cheque away into the future and maintain that differential, which, with an ever-widening gap, will get greater. It is not just £564 million over six years; that is but the first down payment of it. The Member I am about to give way to comes from a party that, I suspect, in six years' time, will be campaigning avidly for the retention of all the supplementary payments, and how dare anyone suggest that we might just come into line with what we can afford?

Mr Brady: I thank the Member for giving way. I did not realise that he had brought his crystal ball with him today.

You are castigating people on benefits, and I have previously heard you talk about handouts as if the Social Security Agency was some sort of charitable institution. I would like to make two points. First, a single person running a household is on £72·40 a week, which is going up to £73·10, and you suggest that people actually choose to do that. The second point is that, when we talk about the health service and various other things, there are unforeseen consequences. If vulnerable people are not protected, surely that will put more pressure on the health service and on all the other statutory agencies. That seems a reasonable point.

Mr Allister: I am not suggesting for one moment that everyone on benefits is a sponger — by no means. There are people on benefits through absolutely no fault of their own, through disability or through genuine inability to find work. In west Belfast, for example, 880 families get in excess of £26,000 a year in benefits, in contrast to constituencies like mine, where something in the order of 250 families are on that level of benefit. No one, surely, could suggest that there is not a culture of benefits and a work-shyness in some areas that feeds the mentality that the state owes them in perpetuity. That is the import of the amendment.

Mr Maskey: I thank the Member for giving way. Will he not accept that the rate of drawdown of benefits is completely commensurate with the levels of deprivation and the unemployment statistics that are available for each constituency? Rather than singling one constituency out, the converse of your argument is, in my opinion, that we should create more investment and give more jobs and support to people on benefits. The more support we can give to those communities and individuals, the less likely they are to need to avail themselves of benefits, especially if we create employment for them in those constituencies — it is not just West Belfast; it is every constituency — commensurate with the levels of deprivation and unemployment.

Mr Allister: Let me remind the Member that more jobs have been created by Invest NI in his constituency in recent years than in mine. I am sure that there are people with a benefits culture in my constituency, but I also know that there is a very definite attachment to a work ethic that gets people out of their bed in the morning to go out and work. If you remove any incentive to work then, of course, you will perpetuate that situation.

Northern Ireland has the highest level of economic inactivity in the whole of the United Kingdom. These amendments will do nothing to address that. And so, when the House hears the Enterprise Minister and the Minister for Employment and Learning lauding their determination to build a better, brighter economic future, which is all very desirable, and at the same time does nothing to incentivise people into work — indeed, quite the opposite — one has to ask why the House is pulling in two utterly contradictory directions. That is the problem here.

Of course, this is the product of the fact that a deal had to be done, because there was something far more important than incentivising people into work and far more important than building a prosperous economic future. It was about keeping these precious institutions going. That was the compulsion of the moment that drove the Stormont Castle agreement. Now, whether in truth it is an agreement between two parties or five parties and whether some are forgetful and unsure about what they agreed, I do not know. I was not there, so I cannot help the House. But I know what I read, and I have read annex A of the Stormont Castle agreement.

I will take one of the measures — and I am not picking on lone parents, by any means. There are lone parents who do a phenomenal job

raising their kids and providing for them, who want to push them on and see them succeed. Yet I read in this that one of the items of agreement is that:

"Lone parents will not be sanctioned for refusing offers of work or training if they cite a lack of childcare provision as the sole reason".

Could it be more lax? You do not have to prove that there is a lack of childcare provision, you just have to be cute enough to cite it as the sole reason. If you cite it as the sole reason for refusing an offer of work, that is all right, then: carry on living off the state. That causes many people who go out to work — yes, many lone parents who go out to work, who make the effort — to ask, "Why do I bother?".

That is the problem with the approach to all of this. We are effectively saying to many people, "Why do you bother? We are creating this benefits utopia where you will not be incentivised into work and you will not be punished for not doing what you would be punished for elsewhere in the United Kingdom. Instead, you will be sustained at the level of benefits hitherto applicable".

Mr Attwood: Will the Member give way?

Mr Allister: Yes.

Mr Attwood: First, many people will find your comments offensive and verging on demonisation. Secondly, it has been established practice through many welfare reform Bills, because of the very poor childcare facilities in Northern Ireland, which is worse than Britain when it comes to affordable and accessible childcare, that the lack of affordable, accessible childcare is good cause. Thirdly, will you read into the record all of the statistical profile of west Belfast — the fact that people die younger, face much greater health challenges and have bigger families? Indeed, by every criterion of social disadvantage, west Belfast is ill served by the narrow-minded comments you have just made.

Mr Allister: I am sure that we could all expound the "Poor me" philosophy, but the state does not owe any of us a living. We contribute to the state, we pay our taxes and our National Insurance and, in return, we are entitled to expect to be sustained to a level. That is the essential genius of the welfare state: throughout the state, you pay in the same and are guaranteed the same back. Not any more in Northern Ireland. We are abandoning that

premise at Sinn Féin's behest to get this deal. I simply make the point that I do not think that it sits comfortably with or pulls in the same direction as rebuilding and rebalancing the economy in this part of the United Kingdom; rather, it perpetuates that which ensures that we are not going to achieve those laudable objectives.

5.45 pm

Mr McCallister: I will probably follow on from some of Mr Allister's points, and I will speak mainly to amendment No 22. A couple of issues arise, and I want to come to both of them and take up Mr Attwood's intervention at some point as well.

If we look at this in the mix, we see that £565 million is going to it over a six-year period. Are we just protecting the welfare that we have had? Are we not doing any welfare reform? In that case, we come to the point that Mr Attwood made in an intervention on Mr Allister. If he wants to read into the record some of the stats for west Belfast, I am happy to give way and let him do that. If west Belfast is as bad as that under the current welfare system, surely you would want to reform it. That would be the essence of it.

At Consideration Stage, the Minister reiterated in his reply that we want work to pay. Mr Allister made the point about 6,500 families being on in excess of the £26,000 cap and some on an average of £30,000-plus. That is more than a Sinn Féin MLA takes home in their pay packet; it is more than many families get. To give some idea of that amount of money, to get to £30,000, you would need to be on a £40,000 salary. That is a significant income. We can look at some of the people who might get trapped on welfare alongside some average private-sector wages. An average hairdresser in the UK earns £11,000, a waiter or a member of bar staff earns £8,000, a window cleaner earns £13,000 and a chef earns £18,000.

Mr Flanagan: Will the Member give way?

Mr McCallister: I will in a second.

Yet, we are seriously suggesting that we should pay people in excess of £30,000 in benefit. I do not see how you will incentivise people when the other side of the Government wants to do corporation tax and get more people into work.

I am happy to give way.

Mr Flanagan: I thank the Member for giving way. He said that the average salary for an individual was about £24,000 or £25,000, and he compared that with the small number of families with an income from the Social Security Agency of over £30,000. He is not comparing like with like; he is comparing one individual with a salary with a family that has maybe a number of children taking in benefits.

My main point is this: I fundamentally agree with you when you say that we need to incentivise people and we need to make work pay. You then cited somebody earning £8,000 a year. Are you telling me that, because one section of people who work are paid £8,000 a year, which is far less than what you need to live on, people who are unable to work due to the fact that they cannot find a job, they have a serious disability or their children have serious disabilities that require constant care should be forced to live in poverty too? Incentivising people to work or making work pay is not about cutting the dole or disability benefits; it is about making work pay by paying people a proper wage for doing a job.

Standing up and reading into the record people who are paid £8,000, £11,000 or £12,000 a year for work is not the solution. If you want to talk about making work pay, then pay people a living wage for the job that they do. Making work pay is not going to work by cutting people's benefits.

Mr McCallister: I am grateful to the Member for that intervention. I am on record here as supporting companies that can afford to pay the living wage; I would like to see them do that. The Prime Minister is on record as saying that Britain needs a pay rise, and I agree. I have made the point before in the Chamber that in many places in our welfare system we have used the tax credit system to subsidise low pay. That is not a direction of travel that we should be on; nor should we be using public funding to do that.

I agree with the Member on that, but I disagree with him on this —

Mr Brady: Will the Member give way?

Mr McCallister: I just want to finish the point. He talked about comparing an individual's income with that of a family. I am happy to do that. A family of two partners living together, both of whom are on the Northern Ireland average wage of £19,000, have a family income of £38,000. By the time they pay their tax they are less well off than the family on benefits that

receives the £30,700 that Mr Allister spoke about. That is what I am saying. That is not a system that we, as an Assembly, should be supporting. At some point, this will go down the line, whether it is next year or the year after or when the six years run out and we will be so out of kilter with the rest of the UK. Can we continue to afford it?

Mr Agnew: Will the Member give way?

Mr McCallister: Yes, certainly.

Mr Agnew: Is the family with two workers on £19,000 a year receiving child benefit or support for childcare through working tax credit or childcare vouchers?

Mr McCallister: They could well be, because I have not said whether they have a family. I am simply making the point that at that stage they are, on paper, less well off than the family on benefits. That is not a position that, I suspect, even the Minister would want to take.

Mr Brady: Will the Member give way?

Mr McCallister: Yes, I am sorry; I should have given way earlier.

Mr Brady: I did not realise that it was Mr McCallister talking; I thought that I was listening to Iain Duncan Smith. Very simply, you need to put in context this notion of people getting £30,000. Even the Tories accept that benefit is at subsistence level; it is the lowest income that you can have. It is interesting that we are talking about incentivising people to work; there is a report out today that shows that five companies here in the North were paying below the minimum wage, as were 70 companies in Britain — and those are only the ones that they found out about.

I go back to my earlier point about the Social Security Agency being some sort of benevolent fund that gives people money. The reason that families get that amount of money is because they have large numbers of children and they may also have large numbers, unfortunately for them, of disabled children. They have disability living allowance (DLA) and all of that. Freud and his ilk tried to sell it in the House of Lords by talking about £26,000 and £35,000 gross. It is all nonsense; it is subsistence level benefit, and you need to get that into your head. People are not well off on benefits.

The underlying principle of welfare reform is to get people back to work. Nobody disagrees with that; it is better to be working than on

benefit. Last year, there were 64,000 people unemployed and 4,000 jobs; it does not make a very good equation.

Mr McCallister: If £30,000 is subsistence level, should we not all be contributing to Sinn Féin MLAs? Will we not need to make sure that Mickey Brady gets elected to Westminster in May to get him up to a £67,000 salary? You cannot argue that £30,000, if that is an average, is subsistence level. I entirely accept some of your points about families. The number of children that families have is a choice and a matter for them, but you cannot argue about the figure of £30,000, which will keep on rising. At what level do you suggest we or the Minister should set the cap? Should it be £30,000, £35,000 or £40,000?

Mrs D Kelly: I thank the Member for giving way. Fundamentally, we have to agree on what type of society we wish to create and whether we want to have a fair society that protects the most vulnerable and the marginalised. I do not often hear the Member criticise the amounts of money that are paid out to the farming community — many members of which, although they may well have low incomes, are asset rich but are still subsidised with public money — nor indeed the companies that get money from Invest NI grants. If the Member had tempered his remarks right across all those recipients of public-sector money, rather than attacking only those people who find themselves unable to work because of family circumstances or the lack of employment in areas where they live, I might actually have had more respect for what he has to say.

Mr McCallister: I thank Mrs Kelly for her remarks. I am not attacking any individual: I happened to say that we, this Assembly and Executive, need to decide what type of society we want. I agree entirely with her on that, but that has not been quite clear in this debate and from others in this Assembly. On one hand, we are going to fire £565 million at topping up benefits for the next six years. Your argument and those of your colleague Mr Attwood were about the state of West Belfast. This Government have been in office now for eight years. This Administration has been in office for eight years, so why is West Belfast so bad? Sinn Féin is a party that has been in control of West Belfast, with an intermittent period of the SDLP — if you add in Gerry Fitt, they have been in charge of West Belfast since 1966. We are still told that it is one of the most deprived constituencies in the United Kingdom. You have to ask why.

If we are really serious about making work pay — and, to be fair to the Minister, I believe that he probably is committed to that, but I am not sure whether he can get some of his main colleagues in Sinn Féin over the line — the last thing that we as a society want to do is trap people in poverty and on benefits. Work has to pay. Work is actually good for people. It is good for your mental health. That is why we should encourage people into work.

That is why, when we look at the commitments in amendment No 22 and why we are spending this, we have to look at and set the other context. Mr Attwood's intervention to Mr Allister was about what else we should be doing. Should we not use some of this money to look at skills in those areas and to bring investment in? Should we not look at health inequality instead? He mentioned health inequalities and life expectancies — a key issue in his constituency, which has a remarkably lower life expectancy than somewhere like South Belfast. Why then are we cutting funding to the Public Health Agency? Why then are we not addressing that? Why are we not looking at that? You could actually find that we increase inequalities in society through this measure.

When we cut corporation tax — Sinn Féin is supportive of that, and that is fine — who are the families and people who will most benefit from that? Will they be the least-well-educated people in society? No. All the evidence suggests that if you cut corporation tax, those with the best education will benefit most. We are driving forward a bigger state of inequality in society. I do not think that that is something that we should support.

Sinn Féin seems to be advocating that we effectively turn welfare reform on its head, trapping more people in poverty, instead of looking at how we get early intervention. We have talked for years about that. How do we really make early intervention work? How do we upstream the interventions and stop families getting into difficulties and being trapped; generations of people who have never worked or held a job? That is not something that we as an Assembly, the Minister or his Executive colleagues should support.

Mr Dickson: Will the Member give way?

Mr McCallister: I will in a second. We are looking at things like pupil premiums. We had the chance to do stuff when we had Barnett consequentials from free school meals in England. It just seemed to drift into the general Budget. We could have targeted that in the areas of worst need.

I agree entirely with the point on childcare provision because, as the father of three young children, I know the cost of childcare. I know the difficulty of getting childcare. We need to address that, but the childcare strategy is in disarray, and no money is being allocated to it. I would like to have seen or heard more detail on that from the Minister.

6.00 pm

Mr Dickson: What I am hearing from Mr McCallister and Mr Allister is that they would like us to push people over the edge into the most brutal area of Tory cuts. That makes the difference between Mr Attwood and me in the debate that we had this afternoon pale into insignificance. At least we are both agreed on the sum that should be spent. The disagreement is over how it might be spent, and what we should do with it in future. We have at least flushed out two Members who simply want to push everybody over the edge into incredible poverty.

Mr McCallister referred to how we might get people into employment and the type of learning and training that we should provide. Perhaps if we are in disagreement over whether people should be pushed off the edge or encouraged into employment, would he at least agree that squandering £1 million on poor teacher training and investing that £1 million in better education that will deliver better students, better teachers and better people for jobs is a way forward?

Mr Deputy Speaker (Mr Dallat): Order, please. The Member strayed well off the debate. I ask all Members to be careful.

Mr McCallister: Thank you, Mr Deputy Speaker. I agree with the Member's point on teacher training.

I do not think that Mr Allister or I were suggesting that we push people off the edge and into poverty. If the Member is saying that that is what we are suggesting, the only difference between us is that we are talking about doing it today, and he wants to do it in six years' time when the money runs out.

Is he telling me that it is £565 million for the next six years, when we will review it, and, if we need to throw another £560 million at it to keep these amendments alive, we will do it, and another £560 million for the five or six years after that? Is that what he is saying? It comes back to the debate on whether or not the bedroom tax is being implemented.

The only reason there is a difference between me and him over the Bill is because he wants to stay in the Executive, and I am happy to be away from it. To be fair to him, he is acting like a responsible member of the Government and sticking to his agreement — unlike others — but at least he is sticking to it, and that is the only difference. He is putting off the inevitable.

If I picked the Member up correctly, the questions that Mr Allister and I are raising are quite legitimate: namely, what is the long-term plan? There is a divergence in the Chamber and the Executive on where these amendments are taking us and on economic policy.

Am I seeing a coherent, collective government at one, wanting to make work pay and with a strategy to grow the economy and build a private sector that can create jobs and wealth and get people out, or are we seeing the Sinn Féin and SDLP approach of trapping people in poverty and limiting that social mobility whereby people have to stay in poverty and trapped on welfare in constituencies like West Belfast?

We have moved away from the idea of social and physical mobility in Northern Ireland, when education was a great way out of poverty. When Sinn Féin talks about using education, driving down inequalities in education and tackling disadvantage, where does that tie in with what is in the Bill and the amendments? Does that make sense? Is that linked up? I am not seeing the joined-upness of the Executive approach. I very much regret that, because we are putting in a considerable amount of resource while cutting our skills budget and training, and taking away the very things that could create wealth and jobs and get people out of poverty.

In an intervention, Mr Maskey challenged the idea that there are 800 families in West Belfast on £30,000 compared with 250 in North Antrim. What are the differences in those constituencies? Why are we not using this money to address inequalities in education, health, training and skills and trying to break the generational cycle of people being trapped in poverty and benefit dependency? I do not see that in the amendments.

Mr Flanagan: I thank the Member for giving way. He talks about ending benefit dependency. We all agree with that: we all want people to move into work, if they are able to work. However, the Member's solution to ending benefit dependency is to take people off benefits and give them nothing. Does he have an alternative apart from cutting their dole and cutting the disability payments of people who

need them? Do you just want to take them off benefits, give them nothing and forget about them?

Mr McCallister: I am happy for the Member to read Hansard. At no point have I suggested, or tabled any amendments to suggest, that we should scrap our welfare system. I recognise that there are people who need welfare, and I recognise that there are people who have such profound disabilities that they will never be able to work. It is right, proper and good that we have a safety net that catches people, because the last thing any of us want is to go back to a situation in which the cracks in the pavement are so wide that too many people are falling through them. However, there are some who are caught between not being able to afford childcare and others who get a job but lose their benefits at such a rate that it is not worth their while working. Does he not accept that there are people trapped on welfare?

I am not convinced that the solution is to write what is, effectively, a blank cheque for £565 million at present — but who knows whether we will have to keep writing these cheques? — on the strength of a not terribly detailed amendment on how the money will be spent. Mr Beggs asked whether we would hit the highest total of £130 million in 2018-19. Why would we expect that figure to fall after that? What will change? Mr Attwood, you wanted to make an intervention. Sorry, I had to remind you there.

Mr Attwood: I am not quite sure how to reply to that. Part of me says that, clearly, you are about to run for the Conservative Party in South Down in the forthcoming election, because Chris Grayling would have been impressed by that sort of contribution. Could you deal with some of the facts? One in 10 of our people, for example, is on disability benefit, which is twice the number in Britain. That is the consequence of historical inequality working through in the lives of people in terms of their health and experience.

In north and west Belfast, where much of the conflict was concentrated, people were traumatised physically and mentally. If you were to acknowledge those points, we could have a proper discussion. Instead, you throw out grandiose claims about how people in west Belfast are trapped in poverty. Look at the profile and then draw conclusions about why people are in the situation that they are in. The best way for you to understand is to come and visit west Belfast, and I invite you to do that between now and Final Stage.

Mr McCallister: I am happy to take the Member up on his very kind invitation to visit west Belfast. The points at the start of his intervention were about the legacy of the Troubles and mental health problems. Let us face it: the largest proportion of disability we have is in mental health. His point about legacy issues was well made.

I take his point on that, but is he seriously telling me that he could not take me to anybody in west Belfast whom he thinks could not get a job? Whether there are jobs there for them to go to, I do not see where Sinn Féin and the SDLP want to create that social mobility so that people get out, get a job and work. I can also assure him that I have no intention of running for the Conservative Party in South Down.

At the very core welfare reform was making work pay. If we cannot do that, or if we have watered down welfare reform so much with this £560 million, have Sinn Féin and the SDLP managed to turn the Bill on its head? Is work now not going to pay, or are we going to keep topping up? Where will the off switch be for that £560 million? Perhaps someone like Mr Attwood will get up and say whether he sees us needing another £560 million after 2021.

Mr McGlone: Thanks very much, Mr McCallister, for giving way. I have heard the idea perpetuated ad nauseam about benefits dependency, as if people had won the lotto when they went on benefits, be it ESA or whatever. It is important to read into the record that the young people whom we need to get into meaningful, paid jobs, where there is a skills deficit et al, are not on the sick. They are claiming JSA. Just so that people know, up to the age of 24 or 25, you get £57·35 a week. If you are over 25, you get £72·40 a week. If anybody tells me that that is an incentive to stay at home, I must be living in cloud cuckoo land. It is an incentive to get a job, so the challenge is to create jobs, attract jobs here and make sure that young people are skilled up to move into those jobs. I really do not subscribe to this dependency culture thing, as if people have won the lotto when they claim JSA. They have not. I have them in my office, as I am sure other Members do. They are trying to get by week to week. That notion reflects mentality out there of the 'The Sun' and the Tories. We have to inject some degree of reality into the debate.

Mr McCallister: There are two things to say on that. If you are on £70-odd a week for 50 weeks, that is £3,500 a year. It is a long way shy of the £30,000 that 6,500 families are on.

The very point that I have been making throughout is the point that Mr McGlone seems to have missed. There are people who are on jobseeker's allowance whom we want to get into work and skill up. We are not going to do that by gutting our skills budget, by having a row over St Mary's and Stranmillis or by having no idea of where the Government's economic policy is going.

If you look at the amendments, including the open-ended amendment No 22 that sets out where the policy is going, the way that you are going to change that and go where Mr McGlone wants you to go is by investing in your skills and by raising the standard of every school. You have to come back to the question of why the constituencies with the worst profiles have been the same for 30 and 40 years. What are we not doing? If our original welfare system was so good, we would not be having this debate, and we would not have constituencies that are failing the people who live in them. They have no ability to get education. The schools are not good enough. Health inequalities are there. I am simply pointing out to you that gutting budgets such as those for health, for education and for employment and learning to pay for amendment No 22 may not add up to a coherent, consistent policy for growing an economy. That is the point that I am making.

I know that we have a terrible problem with youth unemployment. Thankfully, our overall unemployment levels have dropped, but gutting those budgets to do this may not be the best way of helping people. That is something that I look forward to hearing about in the Minister's response. Throughout all of this, that has been the part that has worried me the most. Where is the joined-upness of government to create, grow and build an economy, give people skills and create jobs for them to go into and get off benefits?

6.15 pm

Mr Flanagan: I thank the Member for giving way again. He talks once more about making work pay and lauds the fact that our unemployment figures have gone down. However, if he actually drills down into the details, what he will see is that, while employment statistics may well have gone down, what are filling the gap are low-pay, part-time jobs, zero-hour contracts and complete underemployment. People are still living in poverty. Work is not paying for the vast majority of our people. Trying to get people to come off benefits and go into a job that will further reinforce a life of poverty for them is not a sustainable alternative.

If you want radical changes to the welfare system here, you need to create jobs that pay people to come off benefits. Nobody wants to live on £72 a week. You cannot live on £72 a week. People have accepted that you cannot live on much higher wages. That is why there are benefits, such as the family tax credits and child tax credits, to top people up and subsidise them to work in low-pay jobs. What we need is the creation of jobs that pay people to come off benefits rather than forcing them off benefits through a range of punitive sanctions and taking disability payments off people who genuinely need them.

Mr McCallister: As usual, I am grateful to Mr Flanagan. In an earlier intervention, he suggested that £30,000 was the subsistence level. I accept his point that £72 a week would be a very low subsistence level if you are struggling on £30,000. In a way, I am encouraged slightly that the Member is starting to see some of the arguments that I have been making: that you need to look at welfare reform in the round of your other policies around the economy. Are you going to grow? Are you going to create skills? What about issues around the living wage and minimum wage? How do we encourage companies that can afford to pay the living wage to do so? What do we do? What about the public sector? We are entering into a phase in which we are borrowing £700 million to pay off 20,000 public-sector workers. You are in agreement with that. You have signed up for that. It is fine to sign up and agree to that, but I have simply been trying to articulate the point that those two halves are not quite adding up to a whole.

I am just not seeing where the joined-upness of the Executive is coming from. That is the problem. Your economic strategies and policies should be linking in with what you are doing on welfare. You would hope that it might be easier to start to fill the gap at a time when the economy has returned to growth, but I am not convinced that we are going to find it. Every time that I have asked Ministers, particularly the Finance Minister, about public-sector reform and welfare reform, I am told, "We are literally doing both of them only because the Tories are making us do them. We are not doing it because we think that it is the right thing to do. We are not doing it because we have a better plan".

We could have changed welfare if we had wanted to. We could have done something different. We could have tackled this a number of years ago. When Mr Attwood was Social Development Minister, he could have done something different. He could have invented

something different in welfare, but there is no policy-driven agenda here. We are only doing it because we are being forced to do it due to the economic realities that we are in. You have to come back to the principle of this, which is that work should pay. You cannot have families on benefits who are significantly better off than a working family with an above average salary.

Mr Storey: I will endeavour to make progress in responding to much of what has been said in the House this afternoon. If I am not responsive to Members, I will come back to them with more information. Reference was made earlier to a new broom in the cupboard. It looks as though it may still be dusty. I have heard of Dusty Bin. I do not know whether I am Dusty Storey. Clearly, I have some work to do to convince the Member that we can make any difference and do not just accept what is given to us by others and implement it.

I want to comment on what was said by the last Member who spoke. What he has to remember, and what we all, unfortunately, have to face up to, are not just the economic realities we face but the political realities. I would like to be standing here as a Minister in a Government of which my party had absolute and total control, and that it was a party in government that was making decisions so that, on every occasion and in every policy we brought to the House, there was an opportunity to have a clear focus and no tension between any of the policies. The political reality for me and for us all is to be found in the current arrangements in Northern Ireland. I can assure the Member that if he thinks it is difficult and challenging to find agreement within NI21, he can try finding agreement between five parties in a mandatory coalition. That has been the challenge and the difficulty.

It would be easy to be populist and pick on particular statistics and certain figures, highlight them, not be completely accurate in how we highlight them and to say all of that. That is all very easy to do, but is more difficult when you have to deal with the day-to-day issues that I have been given in my responsibilities to govern and lead on the introduction of welfare reform.

I make those comments, but I want to say something else. I return to the point — we can so easily miss it; and I repeat it because I believe it — that, in all that I do and am endeavouring to do, I always, every day, keep in my mind that this is still about people. It is very easy to use statistics about this constituency and that constituency. I will not accuse those in my constituency who are in

receipt of benefits above the £26,000 of doing anything less than making application to the system as it exists, because that is something they are entitled to do. However, I would also say this: let us remember that, over the last 10 years, my Department has proactively moved on the issue of benefit fraud. Let us remember that, 10 years ago, benefit fraud was running at somewhere in the region of 2% or £61 million a year, and the last figures show us that that has now been reduced to 0.3%. If anybody thinks that the Department and the welfare system are some sort of easy touches, I think that they also need to realise that this is action that we are taking as a Department in conjunction with Her Majesty's Revenue and Customs.

I want to move on to the substantive issues in front of us: the amendments and the Further Consideration Stage of the Welfare Reform Bill. Amendment No 1 deals with the responsibility for children and young persons. Clause 10 provides for an amount to be included in the calculation of a universal credit award for claimants who are responsible for children or qualifying young people. An additional amount will be paid if the dependent child or qualifying young person is disabled, which is consistent with universal credit's objectives of simplicity and affordability.

At Consideration Stage, we discussed how that element of universal credit will replace child tax credit and take over its role as the main source of extra support for children in low-income families that are in and out of work. I also explained that universal credit is a simplification of the current benefit system and will, therefore, not replicate the range of complex premiums that are currently paid to disabled adults and children. The money saved from abolishing the three premiums will be recycled and used to target support to those disabled people with the greatest need.

The universal credit rate payable to severely disabled children will be higher than the current child tax credit equivalent, but the lower rate of universal credit disabled child element will be less than the lower rate of child tax credits. There are, however, other provisions within the universal credit that complement that policy intention. There is, for example, a higher earnings disregard for those working parents who are in receipt of a disabled child element. Any household in receipt of disability living allowance or working tax credits will be excluded from the benefit cap. We know that there is a range of exclusions from the benefit cap. So, while it is easy to quote the 6,500 who are in receipt of the benefit cap, let us remember that it equates to 470 households.

That is how many are affected. We, other than those who are looking for cheap publicity and a cheap headline in the 'Belfast Telegraph', need to keep that in mind when we are dealing with this issue.

There are other provisions in the universal credit, which we outlined. Existing claimants moving on to universal credit will have their award protected by the transitional protection. That will ensure that current benefit claimants will not receive less as a result of their move to universal credit where circumstances remain the same.

The amendment on the different rates — the lower rate should be no less than two thirds of the higher rate — seeks to retain the current position under tax credits where the disabled child element equates to two thirds of the severely disabled child element. The policy intent is to create a simple, streamlined system and to realign arrangements for disabled children when they reach the age of 18 with those of disabled adults. That is not a savings exercise but a reorganisation of what is there. The money released as a result of those adjustments will be reinvested in support for the most severely disabled people. To accept that amendment would reduce the amount of money available for the more severely disabled people and would, I think, be a clear breach of parity. I think that there would be potential consequences with that. We have rehearsed those in the past as far as the breach of parity is concerned. For those reasons, I urge Members to reject amendment No 1.

I will turn now to amendment Nos 2, 3, 8, 9 and 10 to clauses 26, 27 and 47, dealing with sanctions. The proposed amendments that relate to clauses 26, 27 and 47 are to do with providing the claimant with explanatory documentation on sanctions prior to imposing those sanctions. As part of their claimant commitment, claimants will be made aware of how and when sanctions will be applied. The claimant commitment is a record of a claimant's responsibilities and sets out the conditions an individual must comply with, as well as the consequences of non-compliance. Where the consequences of non-compliance are a sanction, the claimant commitment will set out clearly what the sanction will be. Claimants will be required to sign their claimant commitment, and they will be given a copy of the signed document. The claimant, therefore, has explanatory documentation on sanctions from the outset. If a sanction becomes appropriate, the claimant will also be given notification that it is to be applied.

The benefit regime has to work with a wide range of claimants, and the documentation that is made available to them is continually under review. The Social Security Agency is committed to ensuring that claimants have as much information as possible before any sanction is applied. That is to ensure that claimants understand the reasons for the sanction and so that the claimant can provide any relevant information before the sanction is applied. We also want to ensure that the information is in a format that makes it easy for the claimant to understand.

6.30 pm

I sometimes get concerned when Members come to the House and almost paint a picture of the Social Security Agency having no heart, having no thought, being uncaring and simply wanting to follow a very dry process; that the agency is all about the system and not about the individual. I want to ensure that that is not what we have in the Social Security Agency. I do not believe that that is what we have. However, do I think that everything is perfect and that, in every situation and in every circumstance, we always get it right? No, I do not, but I do not accept, nor do I recognise, the picture being painted of the system as it currently is. I hope that I have reassured Members that amendment Nos 2, 3, 8, 9 and 10 are not necessary and, for those reasons, should be rejected.

Amendment No 4 relates to clause 30 — delegation and contracting out. This issue has exercised a number of Members and, therefore, it is right for me to spend some time dealing with it. This clause allows for the contracted providers in the private and voluntary sectors to exercise functions of the Department, or of the Department for Employment and Learning, in the area of work-related requirements. These providers should be acting as agents of the Department or of DEL. The Department, using the power to impose work preparation requirements under clause 16, may require claimants to participate in the work programmes, such as the Steps to Work or the Into Employment programmes. It is envisaged that contracted providers will be permitted to exercise such functions so as to deliver work programmes such as these.

In reliance on clause 30, the Steps to Work programme or the Into Employment programme providers will be authorised to carry out the functions of the Department or of DEL under clauses 13 to 25 that relate to work-related and connected requirements. These functions are of a public nature, and that applies whether

they are exercised by the Department or by an authorised person. An authorised person would be required to provide the service in a way that is compatible with the convention rights as set out in section 6 of the Human Rights Act 1998.

I also add that, during the parliamentary debate on the passage of the Human Rights Act in 1998, statements by the then Home Secretary and the then Lord Chancellor made it clear that persons or bodies delivering privatised or contracted-out public services were intended to be brought within the scope of the Act by the "public function" provision in section 6(3)(b). It is not considered necessary to include the proposed amendment to clause 30 to specify that a person authorised under this clause is exercising the functions of a public nature and that section 6 of the Human Rights Act will apply to those persons. In a case where it is alleged that a contractor has acted contrary to the Human Rights Act, a person may bring a claim against the Department. I wish to point out that delegation and contracting-out functions do not apply to the sanctioning and hardship payment decisions. Those decisions will be taken by staff in the Social Security Agency.

A point was made earlier about the Ad Hoc Committee. We need to remind ourselves that the Assembly established the Ad Hoc Committee specifically to examine human rights aspects of the Bill. The report of the Committee failed to identify any specific breaches of human rights with the Bill as it was then introduced. It should also be noted that, prior to the Bill's being introduced, it has to be compliant with all the other elements of legislation. I do not find it frustrating; it is part of the job, but I have to keep repeating the same thing over and over again. I am well aware of the comments in relation to human rights, and I have no intention of, in any way, trying to create a situation whereby this Bill gives some powers to contractors or people out there that would not be compliant with the Convention on Human Rights, as I have already stated.

The Member wants me to give way. I said that I was not going to do that, but I will.

Mr Attwood: You are very generous, and I appreciate you giving way. First, could you lodge in the Library the references that you have just made to comments made by the Lord Chancellor and Home Secretary in Westminster? Secondly, can you confirm whether you got legal advice on this issue or are you satisfied with the reassurances that have emanated from London? Thirdly, I do not think that this issue has actually arisen before,

certainly not on the Floor of the House, so I do not think that it is a matter of repeating again and again. It is a matter of putting on record something that the Human Rights Commission thinks should be on record.

Mr Storey: In relation to the first question, yes, I am quite happy to place that in the Library. On your second question, the Member knows that the chief legal adviser to the Executive, the Attorney General, has seen the provisions of the Bill, and therefore my answer is yes, we have legal advice. Sorry, I did not get the third question that the Member asked; does he want to ask me again?

Mr Attwood: This matter has been raised by the Human Rights Commission in recent days, so it is not something that has been raised again and again or that you have had to reassure us of again and again.

Mr Storey: Yes, I am aware that is the case. I want to reassure Members on that issue. The Member is always worried that, lurking somewhere in the dark cupboard that I came out of as the new broom, is DWP, which is pulling my strings and telling me what I should do and not do. That is not the case. However, I reassure the Member that I have a good working relationship with DWP. Indeed, I was in London last week to further enhance that relationship, and I continue to work with our colleagues in DWP.

So, on the basis of what I have said, I trust that that gives some reassurance to Members in regard to my comments about amendment No 4. It is not necessary, and therefore I ask Members not to accept it.

I turn to amendment No 11, which is on clause 70. As Members are now aware, clause 70 introduces the size criteria into the calculation of the housing benefit for working-age tenants in the social housing sector. Members will also be aware that we dedicated a lot of time to this particular measure during Consideration Stage. I consider it worth repeating that I fully recognise that this measure represents a major change for social-sector tenants. However, in protecting people and communities from the worst aspects of the social size criteria, I need to ensure that we make best use of our limited social housing stock and that we do not take any action that may hinder or even discourage mobility. The Executive have already agreed to create a separate fund, which will mitigate the impact of this measure by protecting existing and future tenants from any reduction in their housing benefit, unless there is a significant

change in their personal circumstances or they are offered suitable alternative accommodation. It is the same as I said before; my terminologies have not changed. The Member wanted me to clarify that. I consider this to be the best way forward for our citizens who will be impacted by the measure.

I think it should also be noted that there was also a technical necessity to have clause 69. It is so that we can make the calculation of the payments that will be made. That also has to be borne in mind. It is not just a simple matter that this brings in the bedroom tax by the front door but that it somehow brings in the bedroom tax in by the back door. Serious consideration was given to the removal of clause 69, but it was believed that that could not be done. Given that it could not be done, we have had to resort to what we have agreed is the way to deal with it.

The point that has been made that we are dealing with homes is not lost on me. There is a difference between dealing with homes and dealing with houses. We are dealing with homes, and I trust that, as we work through the scheme and the way in which it will be operated, we will ensure that it deals with homes as opposed to houses.

Mr Agnew: I thank the Minister for giving way. He has repeated his words from the previous stage, and I am grateful to him for doing so because I have quoted them. I have paraphrased what he said as being a phased introduction of the bedroom tax, which will apply only when suitable alternative accommodation is available or there is a significant change in circumstances. Will he confirm that that is an accurate paraphrasing of what is happening? Will he also speak to the exemptions that were proposed, which were supposedly negotiated under the previous Minister? Will they be included or are they now gone?

Mr Storey: Let me outline the sequencing of how it is envisaged that the mitigation scheme will be implemented. Maybe that will give Members some reassurance and a bit more information. Once the social size criteria restriction is introduced and the claimant residing in either a Housing Executive or housing association property is identified as underoccupying that property, the amount of housing benefit that has been made in payment will be reduced. The mitigation measures will, however, ensure that claimants do not see any difference in the amount of financial assistance that they receive to meet their housing costs. It will be only after that point that an offer of suitable alternative accommodation will be

made and only when an appropriate-sized dwelling becomes available. Under the terms of the Stormont House Agreement, my Department is working on the detail of this mitigation measure, and the scheme details will be brought to the Executive in the very near future. I trust that that gives some reassurance to Members.

A Member mentioned the scheme regulations that will flow from the enabling clause and asked what they will be subject to in the House. They will be subject to the draft affirmative process, which means that the regulations will be laid in draft and cannot be made unless agreed to by the Assembly: in other words, they will be subject to debate in the House. That needs to be underscored and underlined.

Mr Beggs: Will the Minister give way?

Mr Storey: I will give way.

Mr Beggs: The Minister explained the situation whereby someone who is in an existing Housing Executive property has been assessed as having excess bedrooms and so on. Will he clarify what the position will be for someone who is seeking to take up a new tenancy, particularly given the lack of one- and two-bedroom housing accommodation, which means that there may be difficulty in their finding suitable accommodation?

6.45 pm

Mr Storey: If the Member was listening to what I said earlier, he heard that we have agreed to create a separate fund that will mitigate the impact of this measure by protecting existing and future tenants from any reduction in their housing benefit. I have said that repeatedly, and it will be in Hansard.

The other difficulty that we have in all of this is this: I have no doubt that, because of the unique nature of their creation, there will be some difficult circumstances. I cannot stand here and say that it will happen in every set of circumstances, because you could bring me a raft of different circumstances. What I can say is that this is the remit that we have been given to implement the scheme, and every effort will be made to ensure that, when we bring the scheme to the Executive, we will have endeavoured to cover all those issues in a way that meets the policy intent. I have set it out and made it very clear that the policy intent is that, as far as the scheme is concerned, the fund will mitigate the impact of the measure by

protecting existing and future tenants. I cannot be any clearer than that.

Mr Attwood: I thank the Minister for giving way. That is very clear. If a tenant's housing benefit is reduced because of underoccupation, the mitigation is on a pound-for-pound basis. If that tenant is then offered suitable accommodation on two or three occasions, let us say, and declines, is the mitigation withdrawn?

Mr Storey: The Member has answered his own question: it is all in the term "suitable accommodation". We will not go out to create a situation in order to find people in circumstances that enable us to justify what we are doing; we will work in a pragmatic, practical way. Let us remember that the line is "suitable accommodation". If we have not found suitable accommodation, there will be no requirement or need for us to remove the benefit.

Let me move on to amendment Nos 13 and 14, which relate to clause 81, "Ability to carry out daily living activities or mobility activities". Clause 81 was amended at Consideration Stage to ensure that relevant medical evidence was taken account of during an assessment for personal independence payment. I have now tabled amendment Nos 13 and 14, which are mainly technical, but they are required so that the clause is still workable. Let me explain the rationale. The structure of clause 81 is that all questions are to be determined in accordance with regulations. Subsection (3) requires those questions to be determined on the basis of an assessment and the matters to be taken into account in that assessment to be prescribed. The new provision that account must be taken of medical evidence in that process contradicts the general provision in subsection (1) and, more specifically, subsection (3)(c), which states that the matters to be taken into account in making the assessment will be set out in regulations.

To be consistent with the structure of that clause, I have tabled the amendments to revise the wording so that the regulations must provide for medical evidence to be taken into account in assessing a person for personal independence payment. The existing clause 81(3)(c) then needs to be restricted to prescribing matters other than medical evidence. I hope that that gives some explanation to Mr Beggs and, I think, Mr Swann. I trust that they are content that the changes are in keeping with the intention of their original amendment —

Mr Beggs: Will the Minister give way?

Mr Storey: — that relevant medical evidence will be taken into account in assessing a person for personal independence payment.

Mr Beggs: Will the Minister clarify what is wrong with clause 81(3) remaining in the Bill? That does not preclude regulations implementing the effect of it being determined elsewhere. I still do not understand why that subsection has to be removed from the Bill rather than prescribed in regulations. Will the Minister explain?

Mr Storey: As I said, the existing clause 81(3)(c) needs to be restricted to prescribing matters other than medical evidence. I am happy to give the Member a more detailed answer when I have consulted my colleagues in the Department.

There was a technical reason behind feeling that it was necessary when we amended the clause at Consideration Stage, and we felt that it was relevant for us to ensure that we got consistency in how we dealt with the regulations. I am happy to give the Member further information following today's debate, if he is content with that. I would —

Mr Beggs: Will the Member give way?

Mr Storey: Yes, I will give way.

Mr Beggs: I would much prefer to have it before the change in legislation occurs.

Mr Storey: I will endeavour to have it before I conclude. I will ask my officials to make the information available. Members will sometimes have to accept that I do not have all the answers. I am happy to say that we will get you that answer before we conclude, and that can inform how you vote when you go through the Lobby. That is probably the best way in which to deal with it.

Amendment No 15 is to clause 89, "Claims, awards and information". The amendment would set a maximum timescale for processing a claim to personal independence payment, and perhaps it will assist the House if I take a step back and reiterate what clause 89 does. Clause 89 sets out conditions for claims, awards and information for personal independence payment. The clause provides that a payment of personal independence payment cannot be backdated beyond the date on which a claim is made or treated as made; that awards of personal independence payment will normally be for a specified fixed period, after which a new claim must be made; and that

information gathered in the process of determining a claim to personal independence payment is to be treated as information relating to social security. Amendment No 15 would place a requirement on the Department to ensure that, where a person is entitled to personal independence payment, the award will be received no later than 16 weeks from the date of claim.

The amendment is unworkable for a number of reasons. Targets for benefit clearance times are an operational matter, and it would not be appropriate or practical to legislate for that in statute, given the individual nature of each case and the evidence requirements necessary to determine claims. In addition, within the personal independence payment, customer journey claimants need to be allowed time to complete the forms and/or gather evidence that they wish to submit in support of their application, and consultations may need to be rearranged at the claimant's request.

Many factors need to be taken into account to determine the individual personal independence payment journey for each claimant, such as how quickly after the initial data-gathering stage claimants return their PIP part 2 form; whether or not they need extra time for the completion of that form; and whether or not the decision-maker needs to request additional medical evidence as part of the further medical evidence flexibility, which is applicable only in Northern Ireland. Although timescales are in place for parts of that process, some flexibility has to be built in to support claimants throughout their customer journey. Therefore, it would be highly unusual to specify an operational clearance target in legislation. Such an objective is usually spelt out in the Social Security Agency's balanced scorecard. That allows a degree of flexibility to revise the target if necessary, depending on circumstances that may impact on the evidence-gathering, assessment and decision-making processes. An appropriate clearance target for processing personal independence payment claims will be set in due course. For those reasons, it would be not be appropriate to set a maximum timescale in legislation for processing a claim for personal independence payment, and I therefore urge members to reject amendment No 15.

I now turn to amendment No 16, a new clause that covers appeals in connection with sanctions. The amendment proposes to insert new clause 103A on appeal in connection with sanctions. The amendment would add article 15A to the Social Security (Northern Ireland) Order 1998 to provide for a claimant to be

entitled to an appeal hearing within four weeks of the notice of a sanction being issued and for benefit not to be reduced before the appeal is decided. Should a reduction not be applied and the benefit payments continued in full, the claimant may never have reason to appeal the decision. That, in effect, would remove my Department's ability to reduce a person's benefit as a consequence of a failure on their part that would otherwise be sanctionable under the Act. The time within which an appeal is to be made is one month. A claimant could therefore appeal the decision after the expiry of the four-week period during which the amendment requires an appeal tribunal hearing to take place. Current procedures require a party to the proceedings to be given 14 days' notice of the time and place of the appeal hearing unless that person agrees otherwise. The appeal having to be lodged, scheduled for hearing and determined within four weeks would not only put immense pressure on the Appeals Service but would be detrimental to other appeals in the system and make it almost impossible for them to be dealt with. For those reasons, I urge Members to reject the amendment.

I turn to amendment Nos 17 and 23, which propose new clauses, and amendment No 18 to clause 121 and deal with the duty to ensure the availability of advice and assistance. I know that this has given rise to considerable debate. I want to work our way through this, and I trust that I will be of help to Members as to how we get to an agreed position. Members will no doubt remember the debate we had at Consideration Stage on the provision of advice to claimants on making a claim under the Act. There were several issues raised in relation to advice. I gave assurances that I would give the matter further thought in advance of today's Further Consideration Stage.

During that debate, Mr Lyttle, who, unfortunately, is not present in the Chamber, inquired what progress the Social Security Agency was making towards its targets for benefit uptake. He made reference to that again today. I am pleased to report that we are well on the way to achieving the targets. Members will know that Maximising Incomes and Outcomes is a three-year plan to improve the uptake of benefits with a high-level target to secure at least £30 million in additional benefits for a minimum of 10,000 people by 2016. The final evaluation of the year 1 programme for 2013-14 is now complete, and the high-level outcomes are very positive, with £14.2 million awarded in additional benefits and 4,266 people benefiting.

Mr McGlone: I thank the Minister for giving way. I seek assurances from him that people from minority ethnic communities in the North, who may have linguistic difficulties and the like, will be provided for in any advice that the Minister may recommend as a consequence.

Mr Storey: It is still the situation that we make information available in other languages. We make every effort to ensure that the benefit uptake programme reflects the diverse needs of our community. We can always revisit that and do more, but I think that what we do at the moment through Maximising Incomes and Outcomes is sufficient.

I bring you to a figure that I think is helpful to Members. Mr Lyttle referred to targets and where we were.

When you think of what we have done in regards to the uptake benefit programme, it equates to 47% of the three-year financial target and 43% of the three-year claimant target being met in the first year. This gives some indication of the progress being made. We need to go even further in terms of how we use that programme.

7.00 pm

During Consideration Stage, Members will recall that I was reluctant to accept the need for advice to be enshrined in legislation. I said then that I believed that the Department currently has effective mechanisms to ensure that appropriate advice is available. However, I have had time to reflect on the issues discussed during the debate and to discuss the concerns of Members opposite who spoke to me on the subject. Taking all those matters into account, I have tabled an amendment that I hope will provide additional assurance to the Assembly on reporting on advice in the context of the provisions contained in the Act.

I will take a couple of minutes to deal with amendment Nos 17, 18 and 23. I will then come back to the issue of the independent advice sector and make some comment in relation to that.

I will address amendment Nos 17, 18 and 23 together as they all relate to advice. My proposed amendment No 23 will insert new clause 132B, which creates a duty on the Department to ensure the availability of advice and assistance to anyone making a claim under the Act in connection with that claim. Clause 121 already requires the Social Security Agency to report on the standards of decision-

making and payment accuracy and on the operation of sanctions for universal credit, jobseeker's allowance, income support and employment and support allowance.

My proposed amendment No 18 adds a requirement to report on the standards of advice and assistance provided under section 132B in the annual report that is endorsed by the social security joint standards committee. I have also spoken to Members about their concerns. I think Mr Swann raised the concern about young people who are more affected by the sanctions. Through the provision of advice to those young people and their active involvement in the claimant commitment process, we will endeavour to ensure that they understand the conditions for receiving benefit. Therefore, I trust that they will avoid the possibility of unwarranted and avoidable sanctions. It is only right that we place that on record in the House in response to the comments made by Mr Swann.

Amendment No 17 introduces clause 120A. That, in effect, does the same as the amendments I have tabled. However, it also requires guidance to be produced within three months, in consultation with the Northern Ireland Advice Services Consortium.

As I am sure that you are aware, the advice sector currently uses the blue volumes and the decision makers' guide in answering claimants' concerns, and it will continue to avail itself of those resources for the new benefits under the Welfare Reform Act. That information will be available in advance of the implementation of the benefits.

I value the work carried out by the advice sector. I have endeavoured, since coming into office, to continue to build on the working relationship with the consortium and all those involved in the advice sector. Members will be aware of what we said previously in relation to the use of the term "independence". I could say a whole lot about that word, but I am going to resist putting it on the record of the House — and it has nothing to do with welfare reform.

I am prepared to give serious consideration to a separate, distinct contract being developed with the independent advice sector that would continue during the implementation phase of welfare reform. I am happy to have discussions with the Members who raised this issue to flesh out what that would be in reality. It should be remembered that we work under a contract with the sector, and I think that it would be helpful if we had some further discussion on the issue. I reiterate what I am saying, which is that I am

prepared to give serious consideration to a separate, distinct contract that would be developed with the independent advice sector and that would continue during the implementation phase of this round of welfare reform. I will leave that for Members to reflect on.

Before I move on to amendment No 20, I will return to the clarification on amendment Nos 13 and 14. I am glad that a relevant piece of paper has been handed to me with the answer. I will give that answer to the Member who asked the question; he will be glad that he does not have to wait any longer. The technical amendments to clause 81 were tabled in response to the discussions at Consideration Stage and on the basis of legal advice from the Office of the Legislative Counsel (OLC) to ensure that the policy intent that all relevant medical evidence is taken into account when carrying out PIP assessment is consistent throughout the legislation. So, further legal advice was sought from the Office of the Legislative Counsel.

Mr Attwood: Will the Minister give way?

Mr Storey: Yes.

Mr Attwood: I want to recognise, first of all, that the Minister has travelled some distance on advice, although, to let him down gently, I do not think that the gap will be sufficiently bridged. Beyond the comments that he made about a separate, distinct contract being developed with the independent sector and for advice giving on welfare reform, what is his general view about sustaining the independent advice sector generally?

Mr Storey: I am confident that, in the future, we will have an independent advice sector. If evidence had been brought to me over the last number of weeks and months that, somehow, it was not working the way that it was intended to, I would want to look at how we could change it. It is always an evolving situation because of the duties, requirements and pressures that are brought to bear on the sector. As we are seeing through this process, we are going through a process of change. The independent sector obviously has to adapt to that change and to accommodate how it deals with the issues.

I can genuinely say that I have not seen anything since I came into the Department that indicates to me that there is anything other than a willingness on my Department's part and from me, as the Minister now responsible for it, to continue to work in a proactive way with the

independent advice sector and to enhance that relationship. That is what I want to be about. I cannot surely be accused of being mangy when it comes to funding — although I am sure that every organisation that comes through my door looking for funding would like more — because I think that the £4·5 million or £4·7 million that we give is some reflection of how we value the work that that sector carries out. I trust that that helps the Member on that issue.

I want to move on to amendment No 20, which relates to clause 130. Clause 130 amends article 30A of the Rates (Northern Ireland) Order 1977, which is an existing enabling power that allows the Department of Finance and Personnel to make whatever regulations are necessary to provide support schemes for domestic ratepayers. Clause 130 will allow that power to be extended to replace the rates element of housing benefit when it ceases.

The delayed introduction of welfare reform has enabled DFP to use the time provided to develop and consult on two options for a longer-term final rate rebate scheme for working-age claimants, both of which are, to varying extents, reliant on universal credit. The consultation period ended on 16 February 2015.

In devising the new scheme, DFP is targeting its policy towards those who are least able to pay rates, in harmony with welfare reform principles, and to make work pay, while simplifying the rules and providing value for money. The best way to do this is to avail ourselves of the rules, information and calculations for the purposes of universal credit. On that basis, I have tabled an amendment to clause 130 that will allow DFP regulations for rates to correspond with universal credit statutory provisions in a similar way to the current provision in relation to housing benefit corresponding to income-related benefits. I therefore ask Members to accept amendment No 20.

Amendment No 21 relates to clause 131 on discretionary support. I thank the member of the Committee for Social Development Mickey Brady for very accurately picking up the issue on this particular amendment. I want to point out that clause 131 deals with discretionary support and not the discretionary housing payments, as the proposed amendment suggests. Discretionary support and clause 131 relate to the social fund replacement, and, therefore, this amendment, I contend, is technically incorrect and, for those reasons, should be rejected. That should clarify the

issue in relation to amendment No 21 and clause 131 on discretionary support.

I turn now to amendment No 22 and new clause 132A on payments to persons suffering financial disadvantage. This amendment provides me with the opportunity to come to the Assembly with some further detail on the schemes that this enabling clause will allow my Department to develop, and to outline the main terms of the agreement reached at Stormont Castle and later incorporated into the Stormont House Agreement. We should remind ourselves that the Stormont Castle agreement was later incorporated into the Stormont House Agreement.

The two schemes covered by this enabling clause are the disability protection scheme and the supplementary payment scheme. The need for those schemes was agreed by the parties at Stormont Castle. My Department is developing detailed proposals on how the schemes could provide support for those who have been adversely impacted by the changes to the welfare system.

Mr Nesbitt: I thank the Minister for giving way. I just want to put it into the record that the Stormont Castle agreement, which I do not believe exists, was not read into the Stormont House Agreement.

Mr Storey: Well, Mr Deputy Speaker, here I have in my hand a copy of the Stormont Castle agreement. This paper is based on the agreement of the five parties in Stormont Castle for their submission to the Government and represents the practical outworking of the five-party agreement. Now, I think that that needs to be understood by the Members who agreed to it; I think that they need to realise what it is they have agreed to. The Member doubts my word, but I am sure that he had a copy of this the same as anybody else. It says very clearly that this paper is based on the agreement of the five parties in Stormont for their submission to the Government and represents the practical outworking of that five-party agreement.

Mr Nesbitt: Again, I thank the Minister for giving way. Would he be surprised that the copy that I have of the document that he calls the "Stormont Castle agreement" is similar to the one that he has except for three words that do not appear on my copy? Those three words are "Stormont", "castle" and "agreement".

7.15 pm

Mr Storey: Well, I think that we are really dancing on the head of a pin now. Is the leader of the Ulster Unionist Party really trying to tell me that there were three or four versions of the front page of this produced? I will be honest: I was not the brightest bulb in the box when I was at school. I was not the sharpest pencil, either, but I am bright enough and able enough to read the Executive approval for agreement reached in Stormont Castle. Is that not good enough to underline the issue? I leave that for whatever the Member wants to use this particular issue for.

I want to set out for Members now the reason we need the clause, which is an enabling clause to bring to fruition and reality the two schemes that are covered by it.

Over the next number of weeks, I am planning to bring these proposals to the Executive for their agreement. Following that, officials will provide a briefing to the Committee for Social Development and, later, the detailed proposals will be issued for public consultation. Whilst I am unable to provide the Assembly with the detail of the eligibility criteria and levels of payment for individual schemes because they have not yet been agreed by the Executive, I would like to say something about the overall purpose and structure of the schemes.

The disability protection scheme will provide support for those adversely impacted by the introduction of the reassessment process for existing DLA claims to the new personal independence payment benefit. That reassessment process is expected to involve up to 120,000 claimants over a four-year period. The Executive parties recognise the real difficulties that process could present for many existing DLA claimants as they make the transition to the new benefit.

The disability protection scheme will have three core elements. The first involves making a financial payment to those DLA claimants who are unsuccessful in their claim for personal independence payment and who subsequently appeal the disallowance decision to the independent appeals service. The Executive have agreed that a financial payment should be made to those claimants and continue until the appeals service has made a decision on the claimant's appeal.

The second element provides support for those claimants who receive a lower level of payment under the personal independence payment than they had been receiving under DLA. This will involve a financial payment that will continue for a specified period depending on the date when

the claimant is reassessed for personal independence payment.

The third element of the disability protection scheme is being developed to address concerns that the functional disability criteria being used to assess claimants for the personal independence payment may not take account of the specific circumstances in Northern Ireland. The Executive recognise that for the vast majority of people currently receiving high- or medium-level DLA payments, the reassessment process will not be an issue and those claimants should move to personal independence payment with little difficulty.

I wish to assure the House that my officials are working with the Victims and Survivors Service to put in place specific arrangements to ensure that the most seriously injured victims and survivors of the Troubles are not to be retraumatised as part of the reassessment process. I have worked with and met the Victims and Survivors Service and gave the assurance that my officials will continue to work with them because this is an issue of priority and importance.

Concerns were expressed by some parties that some victims or survivors on DLA with disabilities that were Troubles-related may not qualify for personal independence payment. If there is any impact in such cases, it is likely to be on those claimants who are receiving the low-rate mobility or care of DLA. In those cases, the Executive have agreed a mechanism that should be put in place that would enable claimants whose disability is Troubles-related and who do not qualify for personal independence payment to apply to my Department for the PIP-style payment.

The Executive acknowledged arguments that there may be other disability groups for whom PIP functional disability descriptors do not apply. It was agreed, as part of the consultation exercise on the disability protection scheme, that my Department could consider the inclusion of such groups for a similar PIP-type payment. Such payments would be made only when it could be demonstrated that the mobility and care needs for their disability is Northern Ireland-specific and is not already covered by the functional disability criteria used by the assessment process.

The second scheme that the enabling clause will provide for is the supplementary payment scheme. That scheme is also being introduced to provide support for those claimants who are adversely impacted by the changes to welfare. The main claimant groups being considered for

inclusion in the scheme are families with or without dependants, claimants who are long-term sick and lose their benefit and disabled people who would previously have received additional payments due to their income levels.

The Executive gave my officials specific guidance on the development of the supplementary payment scheme. An initial framework for the operation of the scheme has been developed, and I am giving consideration to those proposals and hope to bring forward a detailed scheme to the Executive in the coming weeks.

The Executive parties also reached agreement at Stormont Castle on a number of other welfare-related issues. Those were included in a paragraph within the body of the Stormont House Agreement. The detail of that agreement is set out at annex A to the document. At Stormont Castle, the five parties also agreed that a Northern Ireland-specific package of measures should be implemented to mitigate some of the most harmful impacts of the changes to the benefits system.

The package of measures included a series of payment flexibilities under universal credit; a change in the sanction regime in Northern Ireland for claimants to reduce the maximum period that someone could lose the benefits for to 18 months; a fund to ensure that medical reports are taken into account for claimants of the personal independence payment who are to receive an adverse benefit decision; a scheme to ensure tenants in social housing are not financially impacted following the introduction of the criteria to determine levels of housing benefit payments in social housing, commonly referred to as the bedroom tax; a mechanism to determine levels of housing benefit that exist for private sector tenants; and a scheme that will provide emergency financial support for people who have an emergency in their lives. The new discretionary support service is intended not only to support some of the most vulnerable groups in our society but to provide support for low income families to access when that support is needed.

The scope of the agreement on welfare at Stormont Castle shows an Executive that are committed to addressing the real challenges arising from —

Mr Maskey: I thank the Minister for giving way, because I know that he is about to finish. He has already taken an intervention from the Ulster Unionist Party leader, Mr Mike Nesbitt. I am not sure whether Mr Nesbitt was saying that he did or did not make an agreement, but you

mentioned the specific reference to the welfare agreement that was reached at Stormont Castle and found its way into the Stormont House Agreement. We heard an appalling intervention that seemed to suggest something entirely different from the reality. At the round-table meeting with the Secretary of State and Minister Flanagan, Mr Nesbitt, in his winding-up remarks, made a very clear response to the final paper, which was tabled to all the parties. Mr Nesbitt made the point that the paper, which you referred to and which contained the welfare changes:

"proves that we have got positive momentum after 18 months. The Ulster Unionist Party executive will decide on this, but with positive wind from myself."

Do you acknowledge that those were the comments from the leader of the Ulster Unionist Party at that meeting, which acknowledged the paper that he seems to be disabusing here?

Mr Storey: I thank the Chair of the Committee for rehearsing and reinforcing the comments that I made. He has set them in the context of accuracy, which is what is needed, and I appreciate what he said.

I want to say something else about the scope. Over the last number of weeks, I have heard much about the scope of the Stormont Castle agreement on welfare reform. What that shows is an Executive committed to addressing the real challenges arising from welfare changes. It was not about any one party rolling over or another policy winning the arguments; it was about political parties recognising the importance of reaching an agreement that was, given the available funding, deliverable and affordable.

At Stormont Castle, the parties agreed the framework for the welfare changes and some of the detail on the key measures. I now plan to bring more of the operational detail for the different schemes to the Executive for agreement. That work is nearly completed, and my plan is that the details will be out for public consultation in March, with subordinate legislation being brought to the Assembly in late spring. I hope that my comments provide the Assembly with the context for this amendment, and I ask the House to support my amendments.

In bringing my remarks to a conclusion, I want to address amendment No 26, which relates to clause 135. It adds the commencement of the new clauses tabled to those commencing on Royal Assent. The clauses are 132A,

payments to persons suffering financial disadvantage; 132B, duty to ensure the availability of advice and assistance; and 132C, the review of the Act. I urge Members to accept amendment No 26.

Amendment No 27 proposes to remove paragraph 7 from schedule 1. Paragraph 7 would give the Department the power to make regulations specifying the work-related requirements for claimants asserting a right to reside in the United Kingdom on the basis that they are EU jobseekers under EU treaties. By way of background, I should explain that people coming to the UK from EU countries do not have unrestricted access to UK social security benefits and tax credits. Since 2004, access to most benefits for EU nationals has depended on whether they have a right to reside here. For most benefits, the right to reside requirement is part of the habitual residence test.

Since 2006, all EU nationals have had the right to reside in the UK for three months without the requirement to be financially self-sufficient. However, access to benefits during that three-month period will not satisfy the right to reside test. EU nationals may also have a right to reside straightaway as a jobseeker, if they can show that they are looking for work and have a genuine chance of being engaged in work. Family members of jobseekers also have a right to reside.

To have a right to reside as a jobseeker, a person needs to be registered with a jobs and benefits office and a social security office, and signing on as an individual for and seeking work. A person with a right to reside as a jobseeker may claim income-related jobseeker's allowance, which can give entitlement to housing benefit. Although the power itself, under schedule 1, paragraph 7, is quite wide, we wish to exercise it only in relation to EU jobseekers: those who retain worker status because they become involuntarily unemployed and, therefore, need to seek employment to continue to retain that status.

EU claimants who come to the UK to seek work, and those who retain worker status because they become unemployed, will not benefit from the exemptions from conditionality clauses 19, 20 and 21, because that would prevent us verifying whether they can claim entitlement to universal credit based on a right to reside under EU law. The regulations will enable us to check that an EU jobseeker is in fact searching for work and available for work, as they would, therefore, continue to meet the right to reside test and to be eligible for

universal credit. That is because it is a social assistance and not payable to EU nationals without a right to reside.

The crucial point is that we will exercise the power only to enable us to check whether an EU claimant continues to enjoy a right to reside as a jobseeker. Without the power to verify whether a claimant is seeking work, we would be unable to verify whether they continue to have a right to reside under EU law.

7.30 pm

Although we have a legal duty to provide support to people who come to Northern Ireland, in line with national and international obligations, it is also necessary to protect the taxpayer and the benefit system. There is a need to make sure that the rules that apply when people from outside come here do not allow them to take inappropriate advantage of the benefit system. Without that provision in the Bill, the Department would be unable to check whether an EU national with worker status meets the right-to-reside test. I hope that I have assured Members that we will be exercising the power only to enable us to check whether an EU claimant continues to enjoy a right to reside as a jobseeker under EU law.

To accept amendment No 27 would be a clear breach of parity. As I have stated previously, that would have implications for Northern Ireland's block grant. For those reasons, I urge Members to reject amendment No 27.

I conclude my remarks on the first group.

Mr Speaker: The Minister and many Members have patiently contributed to the debate for a number of hours. Therefore, before we move to conclude the debate, I propose that the sitting be suspended until 7.45 pm.

The sitting was suspended at 7.31 pm and resumed at 7.46 pm.

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

Mr Agnew: It has obviously been quite a long debate on this group, and I will do my best to paraphrase the debate rather than cover each individual point. I will try to do so as speedily as I can.

I will make a general point. A couple of references were made throughout the discussions about my and the Green Party's entitlement to bring forward amendments as we were not signatories to the Stormont House

Agreement. There is obviously disagreement among the parties that were signatories to it, but I will let those parties fight that out and make no comment on each of the individual party statements to it, except to say that, from my party's point of view, we did not sign the Stormont House Agreement and, indeed, from the outset, we were very clear that it should have been a public process, not a private behind-closed-doors one. Had that been the case, we would have had less opportunity for the post-agreement bickering that we have seen during the debate today. I am proud to say that my party did not sign up to the Stormont House Agreement and to the commitment to cut 20,000 public-sector jobs, and we did not do so for the promise of cutting corporation tax, which will result in a further cut to public spending that, we believe, will do harm to the people of Northern Ireland and to the public services that we rely on.

The Minister spoke at length and in detail on each of the amendments. I will not comment on each of them, except to say that I feel vindicated by the Minister's response in relation to the bedroom tax. There were those who, after the last stage of the debate, called me a scaremonger and said that it was irresponsible of me to suggest that the bedroom tax would be implemented in Northern Ireland. I believe that I was responsible. I said that it would be phased. I said that there would be mitigation measures, but I put in the public domain — certainly circulated further and wider — the Minister's statement that he made under the circumstances in which the bedroom tax would be applied. I said that it would be a phased agreement, and the Minister appears to be in agreement with that. For those who said that the bedroom tax will not and would not be applied in Northern Ireland, I think that that assertion has been shown to be false.

To go back to the Stormont House Agreement, those who, despite agreeing to the phased introduction of the bedroom tax, said that they had stopped it, said that it would not be introduced and said that nobody would be worse off under the Welfare Reform Bill, that was irresponsible, because it has no basis in fact.

There was considerable debate by Mr Allister and Mr McCallister — neither of whom is in his place — about the proposed benefit cap. They are anguished that we are not to impose a benefit cap in Northern Ireland or, at least, that those affected by it will receive the transition payments through the supplementary payments. I hope that I have used that term correctly for Mr Brady. I ask those Members:

what is their objection to those who receive that level of benefit? Is it that each individual benefit is too much? Whether it is housing benefit, DLA, JSA or ESA, presumably the claimants are assessed for each of those benefits and, cumulatively, what they require for subsistence amounts to the sums mentioned. Six thousand six hundred people receive sums over the benefit cap. However, the Minister corrected those Members and said that the benefits cap would apply to a much smaller figure once we took out the exemptions. Do those Members disagree with the exemptions that have been agreed? Do they disagree with the nature of our benefits system, the assumption that people receive benefits based on their need?

Mr McCallister gave the example of a couple both of whom earn £19,000. That couple will still be entitled to child benefit if they have children and, if they have children with disabilities, they will rightly still be entitled to DLA, so it is not a fair comparison. If we compare a family in work that has children with disabilities with similar families out of work, that is a fair comparison. However, to say that two individuals working, who may not have children, will have one income; whereas people on benefits, who may have four or five children — we do not know their personal circumstances — where each child has a disability, have another income is not fair. We assess based on need; that is a fundamental principle that we should stick to. To place an artificial cap on benefits is the wrong way to go about it.

If those Members believe that our benefits system is too generous, let them tell me which benefit is too generous. Unfortunately, they are not here. However, I ask them to come back and say which benefit is too generous. Is it DLA, or PIP as it will become; jobseeker's allowance, or universal credit as it will become; or is it housing benefit? That is how they should tackle this issue. To impose an artificial cap says that, even where there is need, we will deny families subsistence because we want to implement this artificial cap that could leave families in need and existing below subsistence level. That is, if we take the avenue that those Members propose.

In his contribution, Mr Lyttle focused on the importance of free, and indeed, independent, advice, using the East Belfast Independent Advice Centre as his example. He was certainly interested to hear from the Minister whether he would be reassured by the Minister's amendment or the amendment tabled by the SDLP and countersigned by the Green Party. I am encouraged that the Minister has given his commitment to the independent

advice sector, but what I did not hear in his contribution was any reason to object to amendment No 17, tabled in the name of the SDLP and the Green Party. For that reason, I certainly intend to favour it over the Minister's amendment. However, I welcome the Minister's commitment to the independent advice sector, to further conversation on how it can be sustained, and to discussion with Members who have raised concerns on how those concerns can be addressed.

Mr Attwood spoke at length about the importance of the contribution of the Human Rights Commission and its submission to the House on welfare reform. I would not hope to paraphrase his contribution. He was explicit in his support for the Human Rights Commission and, to use the term that he used, the weight that it lent to this debate and, indeed, to the amendments that were tabled by the Green Party and by the SDLP.

He also spoke on the bedroom tax and, again, teased out with the Minister the example in which someone's personal circumstances change and they are deemed to be in underoccupancy. He asked whether the bedroom tax would apply where suitable alternative accommodation was available. I think that the Minister gave a clear answer, and we are left in no doubt that, where suitable alternative accommodation exists, the bedroom tax will kick in at that stage. In my view — I cannot see how you can perceive it any differently — somebody who is required to either take a reduction in their benefits or move house to smaller accommodation is worse off under this Bill. Undoubtedly, there will be some people — we do not know how many — who will be affected by this Bill and affected by the bedroom tax in Northern Ireland who will be worse off under these proposals.

There could have been, and, arguably, there should have been, the opportunity for the parties that negotiated the £565 million mitigation to celebrate that and, indeed, for the likes of me to welcome that mitigation, but they went further and said that no one would be worse off under this Bill and said that they had stopped the bedroom tax. It is my duty, as one of the few Members on the opposition Benches and who represents a party outside of the Executive to point out the inaccuracy, at best, of those statements. I do not believe that they serve the people of Northern Ireland well. I think that they give the wrong impression as to what will be passed through the House if and when the Welfare Reform Bill passes its Final Stage.

Fra McCann said that his contribution would be short, and he spelt it out. This was a deal done on the Stormont House Agreement. He said that he believes that it should be adhered to, and, as I said, there is conflict between the signatory parties to the Stormont House Agreement. He went on to attack the SDLP. I will let those parties have that debate. I was not involved in those negotiations; I did not sign up to the agreement. I do not know who said what, who signed what or when they signed it. I know that I do not like the Stormont House Agreement, and I know that I put forward amendments to this Bill on the basis of the Welfare Reform Bill alone and the impact that I believe it will have. I ask that Members judge the amendments in their own right, but I recognise that Members will vote according to agreements that were negotiated as part of the Stormont House Agreement.

Mr F McCann: Will the Member give way?

Mr Agnew: I certainly will.

Mr F McCann: I understand, and I say again that it is your right as a Member of the House to bring amendments to the Bill. If you get support for it, that is well and good. My understanding was that Sinn Féin approached you about possibly signing up to the petition of concern to bring the Bill down. You said that you could not do it, but I think that you said that you would do it for the bedroom tax but not all of the rest of the elements. That was my understanding. Secondly, when the Bill was being scrutinised in Committee, did you ever think of going and putting to it the Green Party position or your own opposition?

Did you try to have any input to the Ad Hoc Committee to put your concerns to it? You seem to have waited until the last minute when the glare of publicity is on it to bring these matters forward.

8.00 pm

Mr Agnew: I thank the Member for his intervention. One thing that I have learned is, if I go into a meeting with Alex Maskey, to bring a tape recorder. The simple fact is that that is an inaccurate summary, and Mr Maskey gave it before. To be fair, that is who I had the meeting with.

Mr Brady: Will the Member give way?

Mr Agnew: I will give way in a second. I agreed to sign petitions of concern on the

bedroom tax. At no point did I ever refuse or was I unwilling to sign a petition of concern to bring down the Bill. The negotiations between our two parties stopped when Sinn Féin made it clear that the Welfare Reform Bill was going nowhere. I continued to work on amendments on my own, but the simple fact was that Sinn Féin gave a commitment that the Welfare Reform Bill was not going to pass through the House. The Stormont House Agreement changed that. As soon as the Stormont House Agreement was passed, and it was clear that we were coming back to the Bill, I went back to working on those amendments and sought to make the best of the Bill. I will give way to Mr Brady.

Mr Deputy Speaker (Mr Dallat): Order. I apologise; it is nothing personal. I remind Members to make their remarks through the Chair and, more importantly, to stay close to a microphone because you cannot be heard.

Mr Brady: I thank the Member for giving way. I want to make a point about the bilateral meeting. I was with Mr Maskey, so you do not need a tape recorder, because I have a fairly good recollection. One item that was discussed from your point of view was the bedroom tax — nothing else — so, with respect, I still think that I have a reasonably good memory.

Mr Agnew: We will have to agree to disagree on that one, because my recollection is that we discussed a number of amendments and, indeed, if I remember rightly, possibly nine petitions of concern. We did not progress those. As I said, the Member's party made it clear that the Bill was going nowhere.

The Member asked whether I went to the Committee. I know that I am good, I am not a bad MLA, I put in amendments, and I try my best. I am on the Committee for Enterprise, Trade and Investment and the Standards and Privileges Committee. I am one representative for my party. My party is a voluntary-run organisation. It does not have the wealth of Sinn Féin. It does not have research companies working on its behalf. It has a single Member. It has no staff whatsoever, other than the staff whom I employ to do my work and to serve my constituents. I have sought as best I can to amend the Bill and to work on it. Indeed, my legislative team — that is, Ross Brown — has worked tirelessly throughout the Bill to bring forward our amendments. I am proud of the work that we have done.

Sinn Féin is the party in power here, along with the DUP. If it can stand over what is here

today, that is fine, and it is for them to do so, but to tell people that they have stopped the bedroom tax, when we hear today that it is to be phased in, is misleading at best. I think that Sinn Féin should stand over what it has done rather than what it said it was going to do, because the two things are ultimately not the same.

Mr Storey: Will the Member give way?

Mr Agnew: I will give way.

Mr Storey: The Member should not take the reason why I have not accepted his amendment as a reflection in any way of the changes to the Bill that he sought to bring about in all good faith. The Member knows that we tried to find some accommodation when that was possible. I accept the fact that, as a single Member in the House, he works hard to try to do the job of Members: to scrutinise legislation. Whatever the spat between you and the Members opposite, that is an issue for yourselves, but, as far as I am concerned, I want the Member to be assured that it is not because he happens to be in the Green Party or because he happens to be a single representative. I trust that I have endeavoured to give the rationale for why we did not accept his amendment. It is no reflection on the hard work that he and his member of staff have done on the issue.

Mr Deputy Speaker (Mr Dallat): Order, please. May I correct the Minister? This is not a spat between the pair of them; I am involved, and all remarks must be made through the Chair.

Mr Agnew: Thank you, Mr Deputy Speaker, and I thank the Minister for his intervention. I hope that, throughout the debate, I have never challenged his sincerity. He has put his view on public record and debated the amendments, and I do not think that, at any time, he has tried to speak out of two sides of his mouth or anything like that. He has played it straight, and I respect him for that. Undoubtedly, we disagree on some of the amendments, and there will be Divisions, but we will have had an honest and open debate. I have objected when people made promises that they did not keep, in which case they should explain why, or made statements. I was attacked, albeit on social media, by Sinn Féin Members and supporters for saying that the bedroom tax would be implemented. I stand by that. Indeed, I have been vindicated today by the Minister's statement, which repeated what he said at Consideration Stage. In that regard, my truck is certainly not with the Minister. Whilst I disagree that it is at the heart of democracy, I do so with

the respect and honesty that he has also shown, and with integrity.

Stewart Dickson's view is that his party is one of the parties sticking responsibly to the Stormont House Agreement. This goes back to the debate and the arguing between the signatories to that agreement. I cannot comment beyond referencing Mr Dickson's comments that he feels that the SDLP has done a U-turn. That is between those two parties and the other signatories to the agreement.

I pay tribute to Roy Beggs, in that I thought that he made an honest contribution.

Mr Swann: *[Inaudible.]*

Mr Agnew: I apologise if I offend the Member by suggesting that he would be anything other than honest. He spelt out his party's views on the bedroom tax and said that his party's issue with it is in cases where there is no suitable accommodation. I think that people have seen that the bedroom tax is unpopular and said that it will not be implemented when, in reality, it will. He supports the agreed position that it will be phased in. I disagree with him, and, in an ideal world, we would have been debating the merits of the bedroom tax.

Mr Beggs: Will the Member give way?

Mr Agnew: Certainly.

Mr Beggs: Does the Member recognise that there will be an issue with some three-bedroom houses? From constituency work over the past number of years, I am aware of a single male who is relatively young and has been left in a three-bedroom house. Meanwhile, we have families on waiting lists. Does he think that that is appropriate and that there should be no pressure on such an individual to downsize rather than drawing additional funds from our limited budget?

Mr Agnew: I do not know the circumstances of the individual. I do not think that it would be reasonable for such a person, who could be working, to lose their job. At the previous stage, when I proposed an amendment that people be given a year to find work rather than being uprooted from their home, Mr Attwood made a point about the difference between a house and a home. I do not know whether that individual would have to move out of the community to accept suitable accommodation. The issue could be that they have lost their job. Another possible change of circumstance is a relationship break-up. If someone's partner and

children leave, and they are left alone in a large house, should they be kicked further by having to move out?

I thought that a reasonable amendment at Consideration Stage would have been to give people the opportunity to get back on their feet and to find work or accommodation that they deem suitable. I disagree fundamentally with the principle of the bedroom tax. Others just disagree with the practical application, given the lack of one- and two-bedroom houses, but I disagree with uprooting people because they have become unemployed or their relationship has broken down, and I disagree that we should just look at the size of the unit that they occupy. It is a home, and ultimately the solution is better investment in public housing, not simply moving those in public housing around to fit a perceived public good.

Another interesting point raised, I think by Mr Beggs, concerned how much of the £565 million would be spent on administration. Undoubtedly, the supplementary scheme, however it is implemented and whoever receives the benefit of it, will have to be administered.

I was coming to the figures anyway, but this is a good point at which to address them. Those who have said that no one will be worse off under welfare reform have either ignored the figures or the figures have changed in ways that I cannot understand. I have not heard anything to help me understand them. Before the Stormont House Agreement, the lower estimate of the impact of the welfare cuts, which came from the Minister for Social Development, was £115 million. The higher estimate was £250 million, and that figure came from NICVA. At one point, the First Minister said that, if we did not implement welfare reform, the impact would be up to £1 billion a year. I never knew where that figure came from. That, however, was the range of figures. Now we are told to accept that £94 million a year is enough to ensure that no one is worse off, and, as Mr Beggs correctly highlighted, that is before we take into account the administration of the supplementary payment scheme. How much will that take out of the £94 million a year on average? How can we make the commitment that no one will be worse off and everyone will receive transition payments to bring them back to the level that they would have been at had we not implemented welfare reform?

That bring me — I have gone in reverse order — to Mickey Brady's contribution. This is where I got annoyed in the debate. Mr Brady and I met a group of people with disabilities, and he

told them that no one would be worse off. After he left, they asked me whether I agreed; I had to tell them that I did not.

Mr Brady: Will the Member give way?

Mr Agnew: I will give way in a second. I had to tell them that I disagreed for two reasons. First, because of the transition itself, and we have seen from PIP payments in GB that delays could result in people going without during that transition. Secondly, I said that I did not believe that the £565 million over six years was enough. Sinn Féin, before the Stormont House Agreement, did not use the Minister's figure of £115 million for the cost of welfare cuts, let alone the figure of £90 million. In fact, until quite late in the day, it was using the figure of £560 million, on which Mr Maskey was challenged by Stephen Nolan.

Mr Deputy Speaker (Mr Dallat): Order. At the mention of that, I have to intervene. May I be helpful, not just to Mr Agnew, but to others who follow? We are now on to the winding-up speech and, although the Member is entitled to comment on what others have said, I ask him to focus on the amendments because of the lateness of the hour and the need to avoid opening up the debate again with interventions.

Mr Agnew: I will take the Deputy Speaker's advice. With his indulgence, I will try to finish the point. It relates to amendment No 22, which is about enabling the Department to make supplementary payments and the impact of those supplementary payments.

8.15 pm

Mr Brady: Will the Member give way?

Mr Agnew: I will give way in one second.

My argument is that I could not tell anyone that they will not be worse off under the Bill. The bedroom tax, which we have discussed, will impact on a number of people. We will see how many. I also believe that the transition mechanism and the fund for supplementary payments are insufficient to guarantee that no one will be worse off.

Mr Brady: I thank the Member for giving way. I do not really like making a habit of correcting you, but you did not quote what I actually said to the north-west disability forum. I said — if you had been listening, you probably would have heard it — that anyone on benefits under our control will not be worse off. We do not

control tax credits or child benefit; HMRC does. With respect, if you are going to quote me, try to be accurate, please.

Mr Agnew: I thank the Member for his intervention. The bedroom tax is very much under our control. The Member earlier tried to undermine me and my knowledge of the benefits system. I accept that I used an inaccurate term, but he suggested that I had a weak knowledge of the benefits system because I am not on the Committee and have not worked on it for as long as he has. Given his vast experience on the Social Development Committee and as a welfare worker prior to being an MLA, how embarrassing it must have been that someone with as little knowledge as me had to correct him and his party by restating the Minister's statement on how the bedroom tax will be implemented, despite the assurances from him and his party and his contradiction of me on that point.

I conclude simply by saying that I continue to believe in the amendments that I have tabled. The only way to stop the bedroom tax, as some have promised to do, is to support amendment Nos 11 and 21.

Question put, That amendment No 1 be made.

The Assembly divided:

Ayes 13; Noes 71.

AYES

Mr Agnew, Mr Attwood, Mr D Bradley, Mr Byrne, Mr Eastwood, Mrs D Kelly, Dr McDonnell, Mr McGlone, Mrs McKevitt, Mr McKinney, Mr A Maginness, Mr Ramsey, Mr Rogers.

Tellers for the Ayes: Mr Agnew and Mr A Maginness

NOES

Mr Anderson, Mr Beggs, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mr Buchanan, Mrs Cameron, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Kinahan, Mr Lunn, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCreagh, Mr I McCreagh, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr

D McIlveen, Miss M McIlveen, Mr McKay, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Milne, Mr Moutray, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Spratt, Mr Storey, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly negatived.

Mr Deputy Speaker (Mr Dallat): Order. I encourage Members please to be seated. Can I also encourage Members to put away their mobile phones?

Clause 26 (Higher-level sanctions)

Amendment No 2 not moved.

Clause 27 (Other sanctions)

Amendment No 3 not moved.

Clause 30 (Delegation and contracting out)

Amendment No 4 not moved.

8.30 pm

Clause 44 (Assembly control)

Mr Deputy Speaker (Mr Dallat): We now come to the second group of amendments for debate. With amendment No 5, it will be convenient to debate amendment Nos 6 and 7, 12, 19, 24 and 25. The amendments relate to Assembly control, reports and technical matters. Members should note that amendment No 7 is consequential to amendment Nos 5 and 6. Amendment No 19 is mutually exclusive with amendment No 24.

I call Mr Steven Agnew to move amendment No 5 and address the other amendments in the group. *[Interruption.]* Can I appeal to the Members leaving to leave quietly and for others to take their seats?

Mr Maskey: On a point of order, a LeasCheann Comhairle. I had to leave the Chamber a few minutes ago at the end of the last section. I heard Mr Agnew — I think that I quote him accurately — saying that the next time that we go to a meeting with Alex Maskey, we need "to bring a tape recorder". I find that deeply personally offensive. I ask the Member to reflect on that remark. It does no justice to the

Member, and it certainly does no justice to me. For the record, let me make it clear that at no time have I sought to misrepresent Mr Agnew.

I made it clear on a number of occasions that, in the bilateral meetings that I conducted, I led on behalf of Sinn Féin, with Mr Agnew along with other parties. The only commitment that Mr Agnew was able to make, to his credit, was to support a POC on the bedroom tax. That remains his position, and that is fair enough. At no other point in any of the bilateral meetings that I conducted with him and Mr Ross Brown did Mr Agnew feel able to commit to any other objection to the Bill. He said that he would consider a range of matters, but at no time did he make any commitment other than the one on the bedroom tax. I have never suggested anything different. I have made it clear that that was the one commitment he made —

Mr Deputy Speaker (Mr Dallat): Order. The Member has made his point, and it is on the record.

Mr Maskey: A LeasCheann Comhairle, I want to put it on the record, and I ask the Member to reflect on it, because it is very regrettable that he made that remark. It does not represent anything that I have ever said about the Member.

Mr Agnew: I beg to move amendment No 5: In page 21, line 17, leave out sub-paragraphs (iv) to (vi).

The following amendments stood on the Marshalled List:

No 6: In page 21, line 22, leave out sub-paragraphs (ix) to (xi).— *[Mr Agnew.]*

No 7: In page 21, line 29, at end insert

"(3A) Regulations to which this subsection applies shall not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.

(3B) Subsection (3A) applies to regulations under any of the following alone or with other regulations—

(a) section 9(2) and (3) (standard allowance);

(b) section 10(3) and (4) (children and young persons element);

(c) section 11 (housing costs element);

(d) section 19(2)(d) (claimants subject to no work-related requirements);

(e) sections 26 and 27 (sanctions);

(f) section 28 (hardship payments)."— [Mr Agnew.]

No 12: In clause 78, page 59, line 6, leave out "making personal independence payments" and insert "personal independence payment".— [Mr Storey (The Minister for Social Development).]

No 19: After clause 121 insert

"Duty to report on operation of this Act

121A.—(1) *The Department must, not later than 3 years after this Act receives Royal Assent, publish an independent report on the operation of this Act.*

(2) *The Department must lay the report before the Assembly.*"— [Mr Agnew.]

No 24: After clause 132 insert

"Duty to report on operation of this Act

132C.—(1) *The Department must, not later than 3 years after this Act receives Royal Assent, publish a report on the operation of this Act.*

(2) *The Department must lay the report before the Assembly.*"— [Mr Storey (The Minister for Social Development).]

No 25: After clause 132 insert

"Review

132D.*The Northern Ireland Joint Standards Committee for the Social Security Agency and Child Maintenance Service shall monitor the standards and quality of decision making with regard to the sanctions defined under this Act and report to the Social Security Agency and Child Maintenance Service on an annual basis.*"— [Mr Attwood.]

Amendment Nos 5, 6 and 7 should be taken together, and I urge Members, if they are to support them, to do so as a whole as they rely on each other to achieve the objective.

Amendment No 7 lists the regulations as they relate to universal credit: standard allowance; children and young persons element; housing cost element; claimants subject to no work-related requirements; sanctions; and hardship

payments. The intention of the amendments is to ensure that, for each of those key aspects of universal credit, draft legislation is laid before the Assembly and debated before being implemented.

Collectively, the amendments would remove the current confirmatory arrangement and replace it with a draft affirmative one. As the Minister said at the previous stage, that is not the usual convention for social security payments, but, given the significant changes, it is important that the regulations come before the House before being implemented. Not only would it give the Assembly an opportunity to debate them before their introduction but it would be difficult, should they be introduced prior to confirmation by the Assembly, to remove them. My question to the Minister is this: if the Assembly did not agree to the regulations under the confirmatory procedure, how would that leave the application of universal credit? It is my view that they should be agreed in advance and not be subject to confirmative resolution after regulations have been made and, indeed, implemented.

I will move on to amendment Nos 19 and 24. As the Minister mentioned in the debate on the previous group, we had discussions on the duty to report. I welcome the fact that the Minister has tabled an amendment. The single difference between the two amendments is the word "independent", and we had a similar debate on the previous group. I welcome the Minister's commitment to reviewing the Welfare Reform Act three years after it receives Royal Assent, but it is my view that the review should be independent. At the previous stage, I tabled an amendment that gave more detail on what I would like to be in such a report. In seeking to meet the Minister halfway, I have removed the "vulnerable groups" stipulation, and I leave the terms of reference to the Department, but I feel that it is important to keep the word "independent". The Department and the Executive have a clear policy intent in introducing the Welfare Reform Bill. It should be an outside body that reports on its impact, its effectiveness and its implementation.

Amendment No 25, tabled by the SDLP, proposes that the joint standards committee monitor the standards and quality of decision-making on sanctions. I think that the amendment is sound. I will wait to hear the rationale from the proposer and the Minister's response, but, at this time, I am minded to support it.

I think that I am right in saying that the only other amendment is amendment No 12, which seems to be a simple rewording.

I do not see any policy change there, although, again, we will wait to hear the Minister's rationale.

(Mr Speaker in the Chair)

To summarise briefly, my amendments are important, as they would bring further Assembly scrutiny of regulations and of the Bill, should it pass Final Stage, in the form of an independent report. This is a major piece of legislation, and it has taken a long time to get here. Many have concerns about it, and it is right that the greatest scrutiny possible be given to the implementation of the Bill itself, to the regulations that come from it, to how effective it is and to what its effect is.

Mr Maskey: Go raibh maith agat, a LeasCheann Comhairle. Given the lateness of the hour and your encouragement to Members at the beginning of the debate on this group of amendments to stick to the amendments and to try not to speak for too long, I will make only a few remarks.

The second group concerns the issue of Assembly control over future regulations and so on, and the question of the reporting of the operation of the Act and how it is working out. The first three amendments are superfluous, given that the arrangements that will be put in place will enhance considerably and significantly the Assembly's control over the regulations in the time ahead. Obviously, some of the details of that have still to be worked out.

The main point that I want to make is that, in all our discussions on the Welfare Reform Bill since it was introduced some time ago, one of Sinn Féin's most major and significant concerns has been the ideology behind it from the Tories in London. I think that "nasty agenda" was the terminology used by their coalition partners in Westminster. There is an ideologically driven agenda that is about slashing public services and targeting the most vulnerable in our society. I do not need to rehearse all those categories.

Some people subscribe to that ideology politically, but I think that most Members in the Chamber do not really. The package that has been agreed and negotiated and that we are still working our way through is largely a measure of the fact that most of the parties in the Chamber want to do their best for the

people we collectively represent. We recognise that there are a lot of people out there who are vulnerable and need support, and that is really what the Stormont House Agreement is all about.

One of the key issues for Sinn Féin was always around the enabling aspect of the Welfare Reform Bill. We always cited as one of our key objectives neutralising some of the worst aspects of the Bill, including some of the enabling aspects. What we have tried to do in our deliberations is adhere to the key concept of supporting the most vulnerable in our society and protecting the people out there in that category whom, as I said, all the parties in the House represent to some degree or other.

We have sought a package and a deal that gives us belt and braces to protect those most vulnerable people. For the record, no one in Sinn Féin ever said that no one would ever lose out as the result of the Welfare Reform Bill. There are aspects of the welfare agenda that are with us today, even before this Bill becomes an Act. There will be people who will fall foul of aspects of the legislation, because it comes from Westminster. The Minister, Mervyn Storey, has already made it very clear that there are elements of the welfare programme over which the Executive and the Assembly have absolutely no control or authority. That is the first thing that has to be said. There are things for which no one in the House can be held responsible, such as tax credits and so on and so forth. No matter how they vote, no Members or parties can be accused of deliberately misleading the public or the House. There are aspects of welfare legislation that are outside the control and authority of the Assembly and the Executive. It is important that people have the honesty to acknowledge that.

8.45 pm

We have tried with others, and we certainly are not on our own in that. I would argue and make it very clear that this party stands on a solid record of campaigning and lobbying very hard. We mobilised, marshalled opinion and engaged with all the sectors, from the Churches right through to the community and voluntary sector and everybody else in between. We went to London and met Lord Freud. Martin McGuinness and Gerry Adams along with others, including the First Minister, raised the matter directly with David Cameron in Downing Street. As I said, we have put tens of thousands of leaflets and bulletins around every one of our constituencies to highlight the issue. Often, we did that when we were being slated

by others who were telling us that there was nothing more that we could do, that we could not get another penny, that the benefits system is generous enough and that we could not do anything for these people because we would be taking it from somebody else's budget.

I make it very clear on behalf of Sinn Féin again in the Chamber that we see the key pillars of any society that is compassionate and wants to look after the most vulnerable as being health, education and welfare. They have to be the cornerstones of a system that looks after the people out there who need good health and who need a good education to make themselves the most productive contributors to our society that they can be and help their human well-being. Welfare has to be a system that is compassionate and caring and supports people who fall foul of illness or have the problem of not being able to get a job.

Every Member knows full well that there are a lot of people in our society who are on a low income. We all know about the zero-hour contracts and the people who are vulnerable out there who are ill, sick or long-term unemployed. We know all about that. Those who want to support people in that category want to try to make sure that we have the best welfare system that we can get. That is what we are trying to do here.

Are we starting off with the best welfare system today? No, we are certainly not. There has been an ongoing attack on the welfare system for several years. This is not the first Welfare Reform Bill that has gone through the Assembly. There was one in 2007, and that enabled other measures to be introduced in the House that Members have had to suck up, so to speak, on behalf of the people out there we all represent. In recent years, all the parties in the Chamber have had to accept statutory regulations coming through the Assembly that they could not prevent or stop and that were detrimental to the people we represent. Sinn Féin was struck very hard by that, and we focused on that when we had any discussion on the Welfare Reform Bill and the welfare cuts agenda. We are very clear that we are opposed to those cuts and have resolutely opposed them.

At the end of the day, we went into the negotiations before Christmas, and I am very pleased that we had what you would call a five-party agreement. Let us not even worry or confuse or bother ourselves about the technicalities around a four-party agreement or a five-party agreement. We had a five-party agreement, and I am glad that we had that.

That meant that the five parties committed the Executive and the Assembly to do so much more for people than had been agreed up to December. Before December, we had a package of mitigation measures that were available to the House two years ago but that we did not avail ourselves of. Post the Stormont House Agreement, there is now money on the table for people who, thankfully, will be able to retain it in their pockets.

We have talked about the people who are the most vulnerable out there and have engaged with civic society. Every Member and every party in the House talks about the most vulnerable. Let me make it clear: when we look at a tin, and it says "the most vulnerable" on that tin, those are the people we are determined to support. Those are the people we were working for and on behalf of. I am very pleased that the Executive and the five parties in the House agreed that there was a package that we could deliver for the people out there.

It is very interesting that, months ago — Mr Agnew referred to it earlier — everybody challenged us against the veracity of the Department's figures. We are now working on the Department's figures, and we are still told that we are wrong. You cannot have it two ways: either the Department's figures are right or they are wrong. All that I can say is this: the five parties sat down and knuckled down to get a way forward on welfare and came up with a package that keeps more or less £600 million in people's pockets over the next number of years. That should be welcomed by people in here and not criticised. It was not on offer before December; that is very clear.

I want to make a point, because I have heard all the amendments and I have read all the amendments. Like the Minister, I have heard a lot of discussion and debate over the last couple of weeks. I quoted Mr Nesbitt, who was there when the parties were brought together to look at the final package and to take it at 11:00 am on 23 December. I see amendments from the SDLP. Obviously, the last couple were withdrawn. Alasdair McDonnell, on behalf of the SDLP, said that he was "very pleased" with the finance and the welfare package. You are very pleased with a package, then, all of a sudden, every day after that you bad-mouth it. Mr McDonnell was also at that meeting with the Secretary of State, Theresa Villiers, and Charlie Flanagan, an Tánaiste. He made the point that he did not think that the deal was comprehensive enough across a range of issues; he mentioned outstanding matters and all the rest of it, which we totally agreed with. However, he also said that the SDLP would

welcome the paper and that they would not bad-mouth it. In the last couple of debates, all they have done is bad-mouth it. As I said earlier, you try to have your cake and eat it. You accepted the deal; you were party to negotiating it. I would have thought that you would be pleased to be able to say that you were party to negotiating a deal that allows that amount of money to remain in people's pockets.

To conclude my remarks, because this group —

Mr Dickson: Will the Member give way?

Mr Maskey: No, thank you. It is getting late, and I am doing what the Cheann Comhairle has asked me to do.

I move now to control. I have made it clear that the Assembly will have greater authority over the regulations coming forward in the future. It is enabling, and we have a lot of work to do yet. The Minister will acknowledge and confirm that his party and the other parties should be operating through the party leaders' group, because that is the implementation of the Stormont House Agreement. Some people signed on to an agreement; then they signed on to the fact that their party leaders would act with the other party leaders and become the implementation group for the Stormont House Agreement; and, since then, they have virtually walked away from it. That is a shameful position for any party leader to adopt. It lacks integrity, but that is the reality that we are in. Therefore we have these sham debates and sham arguments with people trying to score political points off others and scaring the life out of people in our community. Those people should not be frightened; they should not be worried; they should feel that the parties are prepared to work for them and to support them to the best of our ability.

The Minister has outlined the various schemes, and he has made it clear that the detail of the schemes has yet to be worked out. They will go to public consultation; they will come back to the Assembly; and they will go through the Executive. Where there are major concerns, people will have the right to bring them to the Executive. I am pleased with that, because it allows us some other means of protection for the people we represent.

Sinn Féin has been trying to get legislation in place, with appropriate amendments, to make sure that the regulations will be subject to greater scrutiny, accountability and authority from the Executive. We have also been trying to make sure that the various guidelines are put in place to operate all the statutory regulations

as they go forward and to ensure a significant package of mitigation measures. That is how we are trying, in the round, to tackle the welfare cuts agenda that is coming from London.

People who want to attack Sinn Féin or somebody else forget the little thing that this is a Bill coming from London; it is being imposed on us by London. I will repeat this ad nauseam if I need to: I am very pleased that we got a five-party agreement that goes a long way to protect the most vulnerable. If that is rolling over, I am happy to be a roll-over *[Interruption.]* It is allowing money to be kept in the pockets of the people who are most vulnerable — the people you all talk about, but then you want to make a joke about. Mr McNarry wants to make a joke from a sedentary position. You have not been in the debate.

Mr McNarry: You would not give way.

Mr Maskey: No, I would not, because you could not take the time or interest to come to the Chamber to discuss this issue for months, never mind over the past couple of weeks.

Mr Speaker: Let us confine ourselves to the discussion.

Mr Maskey: The Member is obviously not concerned enough to come into the Chamber to debate the issue — *[Interruption.]*

Mr Speaker: Order.

Mr Maskey: — so he will not be eating into my time.

We support the Minister's amendments, because we think that they add the requirement for important reports to be introduced and for other important measures as part of an overall programme to protect the most vulnerable. We oppose amendment Nos 5, 6, 7, 19 and 25.

Mr Attwood: I will, if I am permitted, make some wider comments towards the end of my contribution. First of all, because I did not do this at Consideration Stage, I thank the Bill Office and the staff in the Assembly for all the work that they have done on this. A lot of this stuff tends to be done at the eleventh hour and even past the eleventh hour, and the people in the Bill Office and the Assembly generally were always willing and helpful and tried to find resolutions to problems rather than find problems. Some people take a different approach.

To exhaust an analogy, I say to the Minister that there may be a new broom, but I am afraid that there is an old handle stuck to it. As I said the last time, maybe even between now and 11.00 pm or whenever the debate concludes I might conclude something different.

I agree with Mr Maskey on one thing: I do not think that politicians in the Assembly across the parties are indifferent to the needs of people and the needs of people in need. I may dissent and differ from Mr Allister and Mr McCallister's contributions, which veered towards that at times. I do not think that that was their intention, but, in some of their language, that seemed to be the case. The SDLP's view of the purpose of all of this and all of the amendments is that it is about dealing with people in need. I speak from memory, so this may be inaccurate, but there is £70 billion in tax that should be claimed by HMRC, and it has 350 people going after those who are avoiding paying their tax of £70 billion; there are 3,500 people in the welfare system going after a tiny amount of claim fraud in welfare. When it comes to our priorities, yes, we should crack down on welfare fraud and benefit fraud, but, when you look at those figures and see how much time and resources are invested in going after welfare claimants compared with the time, money and resources invested going after the tax cheats, the corporate tax evasion and all of that, you begin to wonder where people's priorities lie.

We will support the amendments tabled by Mr Agnew. The reason we are supporting the amendments on positive resolution and independent reports and extra function being given to the joint standards committee is to try to ensure that the people in need have the maximum protection. One of the ways and mechanisms to ensure maximum protection is to have the maximum oversight in the Chamber of regulations, reports in respect of the work of the Department and the powers of the joint standards committee. We are backing all those amendments so that the Chamber and the Department and the joint standards committee have the wherewithal to properly interrogate welfare regulations and welfare practice to ensure that there is maximum protection.

The reason for all of that, if I could take just one minute, is to go back to Mr Allister's comments. Why? Because Mr Allister failed to read into the record the fact that, when it comes to children living in low-income families, the figure is 40% in West Belfast — the worst constituency in the North. North Antrim is 18.4%. When it comes to people claiming housing benefit, the figure is 21.6% in West

Belfast — the second worst constituency in the North.

Mr McNarry: Will the Member give way?

Mr Attwood: I will shortly.

North Antrim has 9.5%, and 9.5% is not good enough either.

Do not let Mr Allister point the finger at a culture of dependency in my constituency when that is its culture of life. The percentage of people claiming income support is 9.7% in West Belfast and 3% in North Antrim. The percentage of those claiming benefits is 50.5% in West Belfast and 38.3% in North Antrim. It is not for me to tell another Member how to do his business in his constituency, but when nearly 40% of people in his constituency are claiming benefits, maybe he should begin to ask questions. Unemployment is 9.4% in West Belfast, 4.8% in North Antrim and so on.

9.00 pm

Critically, as of 31 March 2014, the greatest differences, with prevalence rates being higher in West Belfast than the Northern Ireland average, were for chronic obstructive pulmonary disease, diabetes mellitus, coronary heart disease and hypertension. It goes on and on, and it is published every month by the Assembly for the profile of disadvantage and deprivation. How dare Mr Allister point the finger when their life experience is informed by those figures, when those people have to live those lives, this year and this decade and decade after decade in this part of Ireland, compounded by the error of partition? How dare Mr Allister point the finger at any of those people?

Mr McNarry: I appreciate the Member giving way. I wonder whether, for clarification, the Member could explain to others outside the West Belfast constituency why the percentages that he quotes exist. An explanation would do quite a lot of good and would help those who sit outside West Belfast. Is it the failure of its representatives over these long years? Why are those percentages being quoted, and why are they so obviously different from those in other parts of Northern Ireland?

Mr Attwood: There are many answers to that, and I will give one or two, if I may. One reason is the history of this part of this country since partition. The people of west Belfast were subject to discrimination. I remind people that this is not Catholic west Belfast; this is all of

west Belfast, in which there is still a significant minority that comes from a different political tradition to the one that I represent. If you have a situation in which, in this part of Ireland, long-term male Catholic unemployment is virtually unchanged decades after fair employment, where increasing numbers of Protestant male adults experience the same long-term, generational unemployment whereby nobody in a family — children, parents or grandparents — works, what do you do to remedy that? You invest to deal with that disadvantage. That means that you do not put FDI into south and east Belfast but protect industrial sites in west Belfast and try to move into those areas.

Mr Speaker: Let us remind ourselves that we are discussing the Further Consideration Stage of the Welfare Reform Bill. It is appropriate that Mr Attwood should respond to another Member's comments during the debate. However, I think that you have done that quite significantly, comprehensively and effectively, and I ask you to come back to the debate. The hour is getting late, and we should focus on the issues that have to be decided this evening.

Mr Attwood: I take the lead from you, Mr Speaker. However, if the Member wants to have a further conversation about that, I am more than willing to do so.

I will deal with amendment No 25, which is a new clause. I remind the Minister of what he said on 11 February at Consideration Stage. When it came to the work of the joint standards committee, he made the point that its work:

"specifically includes the accuracy of decisions on sanctions."

The Minister will remember making that point, and he will also recall my reply:

"'Accuracy' is a very precise term, and I am sure that, somewhere, some lawyer has defined it."

In my view, accuracy is a technical word that is not about the character of the decisions being made. It is just box ticking when it comes to decisions that were made. The Minister then added, when that point was made:

"I take what the Member has said about this. Will he allow me the opportunity to take away those comments that he has made specifically on this issue and to give further thought to what he has said?" — [Official Report, Vol 101, No 9, p66, col 2].

My question to the Minister is this: what further thought has he given to what was said on that day? I refer the Minister to the meeting of the joint standards committee held on 23 September 2014. This is very current, and I refer to it because, in my view, our concern that the joint standards committee cannot look at the decision-making is corroborated by the report, which says:

"The balanced scorecard target for 2014-15 is to achieve 97% cash value accuracy by 31 March 2014 for both old and new rules combined.

The sample size for the monitoring year 2014-15 has been confirmed by departmental statisticians as 546 in total for both schemes (312 for new rules and 234 for old rules). The monitoring is based upon a confidence level of 95% with a tolerance level of +/- 2.45%.

This quarter, the division monitored 46 cases for cash value accuracy".

I have to say to the Minister that the entire record of that meeting is about checking accuracy; it is not about interrogating decision-making. I do not, at this late hour, intend to go into any more detail, but there are reams of this stuff.

The joint standards committee does a very good job of looking at the accuracy of people with the responsibility to maintain accuracy in the Social Security Agency. It does good work checking that homework, and I do not take away from that. I have no doubt that it maximises its mandate, but, from looking at the record of meetings — that is only one typical example — it seems that it is all about accuracy and not about interrogating decision-making. That is why we re-tabled our amendment to monitor the quality of decision-making on sanctions. I do not intend to rehearse all of the arguments and concerns about sanctions. The point is that the JSC needs to have the explicit power in law to dig under the profile of accuracy to which I referred in order to see whether the decision-making is of the quality required. It is easy to conduct a quantitative exercise by looking at facts and figures. We need a qualitative exercise that interrogates those facts and figures to ensure that, when it comes to sanctions, it is doing what it should.

I will conclude with one or two brief comments in response to comments made by Mr Maskey. On the last occasion, I said to the Minister and the leader of the DUP that, when we gave a press conference after Stormont House, just a

few yards from here, our position was crystal clear, and we have not varied from it: we will implement as fully and faithfully as we can that which is strong in the Stormont House Agreement and try to rectify what is weak. We are right in that. In the last couple of days, there was a meeting in this Building of the party leaders. We differ from all other parties on how to implement the proposals for dealing with the past. We want to protect the authority of Patten and the accountability mechanisms of the Policing Board. Others seem to think otherwise when it comes to the appointment of senior staff and so on and so forth. Where we think that things can be done better or are weak, we will work to rectify them. We have always maintained that argument, and we are not going to change. It is crucial that we do that, because, as I said on the previous occasion, there are parts, including those on dealing with the past, that are less about truth and accountability and more about protecting the vested interests of the people in command and control of state organisations and terror groups that were active in the past. On the basis of our political values and the ethics that we uphold, we will dissent from all of that. We are not dissidents, but we value the right to dissent. If there are things in the Stormont House Agreement that we have to dissent from to make the weak better, that is what we will do.

The problem with the debate is that people have decided that they want to live in a political straitjacket known as the Stormont House Agreement, when people outside in the advice sector and from the Human Rights Commission are saying, "There are things that you can do to enhance this". On the previous day, we had petitions of concern, and, today, in the absence of petitions of concern but with the same outcome, we are voting down the best advice from the people with the best authority in this part of the world whom we should not second-guess. In fact, we should embrace and endorse what they say and put it into the primary law. Forgive me, Mr Maskey, but we will implement what is strong and try to —

Mr Maskey: Will the Member give way?

Mr Attwood: — rectify what is weak.
[Interruption.] Sorry, I was going to give way.

Mr Maskey: I made this point earlier, but this is simply a case of having your cake and eating it.

Mr Attwood: In the context of a debate about welfare and given the scale of the benefit cuts and changes that have been proposed, comments that reduce good arguments and

good authority to being about having your cake and eating it are not helpful. If there is advice from outside the Chamber, you might want to describe it as having your cake and eating it; I would describe it as taking best advice from people who are well qualified to give it. Given that we have had some good conversations with the Minister, I regret that some useful opportunities to enhance where we are seem to have been declined in the past few hours.

Mr Speaker: Thank you. I call Mr —
[Interruption.]

Mr Maskey: I thank the Member for giving way. Let me make this point very clearly: I did not, in any way, suggest anything about the advice sector. There are people there whom I have worked with for many years and people whom I value. I was referring to the SDLP having its cake and eating it.

Mr Speaker: Mr Attwood, to clarify, did you conclude your remarks, or did I misunderstand you?

Mr Attwood: I was concluding, but I am prepared to give way.

Mr Speaker: No, if you have concluded, you cannot do that. I call Mr Roy Beggs. Thank you.

Mr Beggs: Given the lateness of the hour, I will try to conclude with remarks that are specifically on the amendments.

The matters in amendment Nos 5 and 6 were discussed at Consideration Stage. However, I realise that Mr Agnew is at least trying to focus his attention more specifically this time around. My party's concerns at Consideration Stage on just how much of the Bill is simply enabling legislation remain. Although I welcomed the Minister's explicit commitment to work with the Committee, we will have to wait some time to make a fair assessment of that. However, it certainly does no harm to raise the issue once again in order to maximise oversight of the regulations.

Amendment Nos 5 and 6 specifically seek to change the Assembly procedure for some of the most important regulations, including those on the standard allowance, housing costs and sanctions. It is crucial that those be properly reviewed, but there is a very real danger that the proposed changes could again result in a stalemate in the Assembly. That has to be recognised by all. Public services have already been hit with a penalty of some £100 million, as

Sinn Féin walked itself into a corner, only to later change direction as our Budget process faced a crash a few weeks ago.

In addition, we will be hit with penalties of tens of millions of pounds in the new financial year beginning 2015-16. That will be happening unless we bring about change and implement changes. We simply cannot afford further delay.

9.15 pm

These amendments, whilst they may be well meaning, could result in deadlock, which will mean further fines. We cannot afford that, as such fines would again adversely affect public services. Just look at what happened during this financial year where, mid-year, we had to claw back, through a number of Departments, and pull money back into the centre. That certainly has adversely affected my constituents, and I would not wish to see it happening again.

We note the commitment of the Minister to review the Act within three years. The Ulster Unionists are satisfied that the Department should have the ability to carry that out without having to bring in an independent organisation.

The final amendment I will address is in regard to giving the joint standards committee an enhanced role. I believe that the standard of decision-making in relation to sanctions is already monitored by the committee. If that is the case, why would the Department be reluctant to see this legislated for? I look forward to hear what the Minister will say in that regard. That concludes my comments on this section of the Bill.

Mr Dickson: I also will be brief. I support the amendments put forward by the Department in group 2. I particularly welcome amendment No 24, which will place a duty on the Department to publish a report on the operation of this legislation within three years of Royal Assent. This provides us with a further guarantee with regard to the implementation and the propriety of that implementation.

We have heard much today and in the previous debate about those who wished to deny that which they supported in the Stormont Castle agreement or the Stormont House Agreement. At one stage, the leader of the Ulster Unionist Party claimed that he had brokered the entire deal, particularly in respect of welfare reform, but that all seems to have been forgotten.

What is not to be forgotten in all of this are the most vulnerable in society, and that is what we are attempting to do here with these mitigating factors. We are also trying to do something a great deal more than that. Not only are we here to protect the most vulnerable in society but to build our economy, including our corporation tax; to deliver jobs and get people out of the poverty they are in; to tackle the issue of west Belfast once and for all; and to deal with the health inequalities and the employment inequalities for every citizen in Northern Ireland. That is what I believe we have been elected here to do.

Mr Humphrey: I am grateful to the Member for giving way. As a Belfast representative, I am only too glad to see investment coming to Northern Ireland and, in particular, to this city. I must say that I am amazed. Many of the people Mr Attwood made reference to in west Belfast live in the greater Shankill area. I have to say that, when jobs come to Belfast, whether they come to west Belfast, east Belfast or south Belfast — Members seem to be complaining about direct investment in south and east Belfast — it is the people of Belfast and the Belfast basin who benefit from those jobs coming to the city. Does the Member agree?

Mr Dickson: I agree with the Member. This community, this society, and this Assembly need to move on from the type of debate we have been having and remember where people are in terms of jobs, employment and opportunities. I should not miss the opportunity to mention the people in east Antrim who, many years ago, had excellent opportunities for employment but who today struggle like everyone else across Northern Ireland to have employment.

I will be very brief, Mr Speaker. We support the Department's amendments in group 2 and encourage the House to press on with this legislation; allow us to monitor it over time; deal with it; and deliver for everyone in Northern Ireland, including the most vulnerable, thereby allowing them to have an opportunity to receive the appropriate benefits, and encourage a society that will drive forward and deliver jobs.

Mr Speaker: Thank you very much. You have no idea how happy I am to come to the Minister for Social Development so quickly —
[Laughter.]

Mr Storey: You do not know how happy I am that you have called me. I want to be brief. However, it is important that there are certain things that we place on the record of the House,

when others, as I know the Member for West Belfast will want to interrogate me, regardless of whether I say that I am a handle, a broom or Dusty. It does not matter what it is.

Thank you, Mr Speaker, for calling me in relation to these amendments. Amendment Nos 5, 6 and 7 refer to clause 44, which relates to Assembly control. Clause 44 provides for the procedure by which the Northern Ireland Assembly can control the making of regulations. Amendment Nos 5 and 6 would remove the regulations on the amounts for the standard allowance; children and young people's element; housing costs element; claimants subject to no work-related requirements; sanctions; and hardship payments. From the list of regulations subject to the confirmatory procedure, amendment No 7 would result in the regulations on those aspects being subject to the draft affirmative procedure.

As I said two weeks ago at Consideration Stage, Assembly controls for universal credit regulations will, in the main, follow the more common form of control, that is, the negative resolution procedure. That follows the conventional approach to delegated legislation in this area. However, regulations that introduce new concepts into the benefits system will be subject to the confirmatory procedure in the first instance. That will ensure a debate on any areas of concern. It will also maintain the flexibility to amend the legislation quickly in the future to respond to changes without making disproportionate demands on the legislature. If the amounts payable in universal credit were subject to the affirmative procedure, that would apply to the first set of regulations only. As a general rule, the affirmative procedure would be applied to regulations that are unique to Northern Ireland, that is, they are not parity-based, outside social security, provide for something controversial or deal with financial assistance, such as the discretionary support scheme.

I propose that the form of Assembly control to be applied to regulations remain as drafted in the Bill, as that will enable subordinate legislation to make timely progress. That means that the first set of regulations, which introduces major policy changes, will be made using the confirmatory procedure.

The alternative approach suggested by the amendments for the payment amounts — affirmative — which provides for debate and discussion before the regulations come into effect is rarely applied to social security legislation, as it could lead to significant delays in implementation, bearing in mind the need to

implement welfare reform legislation as quickly as possible to avoid additional financial burdens in relation to the issue of fines, which, I remind Members, has not gone away in its entirety. That is something that we need to keep a focus on. In light of that, I urge Members to reject amendment Nos 5, 6 and 7.

Clause 78 was added following an amendment tabled by the Ulster Unionist Party and accepted following debate at Consideration Stage. It makes provision for a pilot scheme to be carried out in advance of the personal independence payment going live in Northern Ireland. It is important that the administration of new benefits be well planned and managed to avoid the sort of backlog and delivery uncertainties that occurred in Great Britain when PIP was implemented. I trust that the pilot will provide the assurance that the Northern Ireland PIP customer journey and associated processes are robust; help to inform plans for the roll-out of PIP in Northern Ireland; and provide further information on outcomes.

Participation in the pilot will be entirely voluntary and will not impact on a person's current DLA award or future PIP reassessment, and there will be no actual PIP payment. The tabled amendment clarifies that there will be no PIP payments made as a result of the pilot. I urge Members to accept the amendment.

I now come to amendment Nos 19 and 24. At Consideration Stage, several amendments were tabled in relation to reporting on the implementation of the Act and on setting up a dedicated welfare reform committee of the Assembly, following the example of the Scottish Government.

The Scottish Welfare Reform Committee was established on 25 January 2012. Its role is to keep under review the passage of the UK Welfare Reform Act 2012 and to monitor its implementation as it affects welfare provision in Scotland, and to consider relevant Scottish legislation and other consequential amendments. Members should bear in mind that social security legislation is not a devolved matter in Scotland. Social security legislation for Scotland is made through Parliament by the UK Government, and, therefore, it does not have the same level of scrutiny that is afforded to our legislation and carried out by our Social Development Committee and the Assembly.

Devolved responsibility for social security legislation to the Assembly means that Northern Ireland has the opportunity to make different arrangements from those pertaining elsewhere in Great Britain. Therefore, we are in a very

different situation from Scotland. Of course, we are constrained by the principle of parity and the fact that we depend on a shared IT system, but, provided that we are prepared to fund any additional costs that arise as a result of doing things differently, Northern Ireland can legislate in a manner that takes into account our regional issues. I believe that the Assembly's scrutiny of the Bill demonstrates that we are already fully engaged in that regard.

Whilst the Bill has been contentious, mostly because of the scale of the reforms being proposed, Members should reflect that the Bill, as and when it becomes law, will be only one legislative instrument amongst a vast number of statutory instruments pertaining in the field of social security. I consider that to separate out the Bill for particular scrutiny by establishing specific Committee structures would undermine the overarching role that the Committee for Social Development has in the wider social security arena.

Another issue raised during the debate at Consideration Stage related to the reporting of the implementation of the Act. I assured Mr Agnew that I would consider it further, and, having discussed it with him, I have tabled amendment No 24, which commits the Department to publishing and laying a report on the operation of the Act within three years of Royal Assent. I note that the Member has tabled amendment No 19, which is similar to mine, with the only difference being the word "independent" again. On the issue of independence, I reiterate that the Department already has significant checks and balances to ensure its objectivity and gathers sufficient data to report on the Bill without the need for the additional cost of producing an independent report. I made comments on that during the previous debate.

Over the past two years, my Department has published a series of impact studies on each of the major reforms, and I can assure Members that that programme of research will continue as we move through the implementation process. Any reports on welfare reform produced by my Department will use data produced by the Northern Ireland Research and Statistics Agency, which, as Members are aware, is governed by the national rules on the use of official statistics. As part of the future research programme in DSD, officials are considering how best to assess the longer-term impact of the changes to the welfare system. It is expected that any study of that will need to involve a number of other Departments, particularly on issues such as poverty and public health.

I believe that the important point with these amendments is that the Assembly will put in place a statutory duty for a report to be produced on the impact of welfare reform and that Members will have the opportunity to debate the content of those reports. I am sure that the Assembly will wish to be assured that any such report is comprehensive and is based on robust information sources. I am not convinced by the argument that by putting into statute the term "independent" in front of the report will ensure that the Assembly receives a report that meets that criteria. I will certainly wish to involve independent experts in helping shape the overall evaluation strategy for welfare reform, and, indeed, my Department may commission some independent groups to carry out some research.

The Bill as drafted already contains various reporting requirements, such as to publish reports on the operation of assessments for personal independence payment. That is in clause 90. It also requires reports on the standards of decision-making and payment accuracy and on the operation of sanctions for universal credit, jobseeker's allowance, income support and employment and support allowance. That is in clause 121. I will consider, in conjunction with my officials, how best any composite report can reflect the views that have been expressed. While I know that Members will not be completely satisfied with that, I hope that the assurances that I have given will at least go some way to placing on record my commitment and that of my Department as to how we will deal with those issues.

I will turn to amendment No 25, which is new clause 132D.

The Member mentioned that I was giving this more thought. In a sense, I want to revisit the issue. The new clause provides that the standards and quality of decision-making on sanctions will be monitored by the social security joint standards committee on an annual basis. It also provides for the committee to report on the standards and quality of decision-making on sanctions.

9.30 pm

What needs to be rehearsed at this juncture is that the JSC is tasked with reporting on standards of decision-making — that is payment accuracy. The technical accuracy refers to payments, which are clearly a mathematical calculation. However, the JSC also looks at standards of decision-making.

However, in light of what the Member has said about his concerns, I am happy, as a result of his comments on the reports that have already been carried out and the issues that he highlighted, to undertake a review of the working of the process over the next number of months to satisfy myself that we can attain high standards of decision-making and to look not only at the accuracy of those decision-making processes but at the standards, including the quality of those decisions. While that may not change the view of the Member, I trust that he will take what is offered in good faith, and it will give me satisfaction and assurance that this is not just a cold paper exercise but has validity and importance.

In conclusion, I place on record my thanks and appreciation to all those who have taken part today. I want to say this: I worked extremely hard to ensure that there was no need for petitions of concern today. I have endeavoured over the last period — maybe not as extensively as Members would have wished but within the time constraints that have been placed on me — to do what could be done at Further Consideration Stage. I also thank the Chair, Deputy Chair and members of the Social Development Committee for their contributions to today's proceedings. I look forward to continuing to work with the Committee through what will be a long process. It is not the case that, once the Bill has been passed and given Royal Assent, Members can take their ease. I also thank my officials for all their hard work over many hours and the many documents that they have produced for me and others, including the Committee, which have provided all the relevant information to the Assembly and is available for others. I place my appreciation of their hard work on record.

Mr Agnew: Given the late hour, I will try to be brief. I will conclude by thanking the Bill Office for their work on the amendments, both at Consideration Stage and Further Consideration Stage. As mentioned by Mr Attwood, the way in which we do legislation here means that there is a short period to work on such amendments. Certainly, there was not a single amendment that I could not bring forward due to lack of time, thanks to the hard work of the Bill Office.

It will be those outside the Chamber who will judge who, in the overall debate today, has been genuine and upfront about the changes being put through by the Assembly. The Stormont House Agreement was raised on numerous occasions. Parties will also be judged by those outside the Chamber on their

role during and since the Stormont House negotiations.

I will speak very briefly on the amendments. I welcome the Minister's tabling of an amendment to report within three years of Royal Assent. I intend to move my amendment with the word "independent". We will agree to disagree on that, but I appreciate that he has sought to meet me halfway on the proposal that I tabled at Consideration Stage. That should be acknowledged. It is important that such significant legislation be reported on. An independent report would give the public more confidence. I suspect that outside agencies will produce reports on the Welfare Reform Act anyway, so it will be interesting to see how the Department takes forward the reporting process, subject to the outcome of the votes after the debate.

The Minister has given a commitment to Mr Attwood and the SDLP should their amendment not be passed. The Minister is well aware of my concerns and those of many others about the sanctions regime and how it will be implemented. It is important that we remain vigilant. The sanctions regime has the potential to drive people into severe destitution and reliance on food banks. Whilst I disagree with the system, it should be applied correctly and fairly; it should not be used as a way of cutting the welfare bill. I welcome the Minister's commitment on those issues and to ensuring the accuracy and standards of the sanctions regime.

That concludes my remarks on the group 2 amendments. I thank all those who contributed to the debate and gave consideration to my amendments and all the others that were debated today.

Question, That amendment No 5 be made, put and negatived.

Amendment No 6 not moved.

Mr Speaker: I will not call amendment No 7 as it is consequential to amendment Nos 5 and 6, the first of which was not made and the second of which was not moved.

Clause 47 (Sanctions)

Amendment Nos 8 to 10 not moved.

Clause 70 (Housing benefit: determination of appropriate maximum)

Amendment No 11 proposed: In page 56, line 32, at end insert

"(6) Regulations may not provide for the reduction of an existing award where a claimant declines the offer of suitable alternative accommodation."— [Mr Attwood.]

Question put, That amendment No 11 be made.

The Assembly divided:

Ayes 12; Noes 69.

AYES

Mr Agnew, Mr Attwood, Mr D Bradley, Mr Eastwood, Mrs D Kelly, Dr McDonnell, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Ramsey, Mr Rogers.

Tellers for the Ayes: Mr McGlone and Mrs McKeivitt

NOES

Mr Anderson, Mr Beggs, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mr Buchanan, Mrs Cameron, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Kinahan, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Milne, Mr Moutray, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Spratt, Mr Storey, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly negated.

Clause 78 (Pilot scheme)

Amendment No 12 made: In page 59, line 6, leave out "making personal independence payments" and insert "personal independence payment".— *[Mr Storey (The Minister for Social Development).]*

Clause 81 (Ability to carry out daily living activities or mobility activities)

Amendment No 13 made: In page 60, line 32, leave out subsection (3).— *[Mr Storey (The Minister for Social Development).]*

Mr Speaker: Amendment No 14 has already been debated and is consequential to amendment No 13, which was made.

Amendment No 14 made: In page 60, line 39, leave out paragraph (c) and insert "(c) must provide for relevant medical evidence to be taken into account in assessing a person and may make provision about other matters which are, or are not, to be taken into account."— *[Mr Storey (The Minister for Social Development).]*

Clause 89 (Claims, awards and information)

Amendment No 15 proposed: In page 64, line 24, at end insert

"(3A) A person entitled to personal independence payment shall receive the award no later than 16 weeks after the date on which a claim for it is made or treated as made."— [Mr Agnew.]

Mr Speaker: I have been advised by the party Whips, in accordance with Standing Order 27(1A)(b), that there is agreement that we can dispense with the three-minute rule and move straight to the Division.

Question put, That amendment No 15 be made.

The Assembly divided:

Ayes 12; Noes 69.

AYES

Mr Agnew, Mr Attwood, Mr D Bradley, Mr Eastwood, Mrs D Kelly, Dr McDonnell, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Ramsey, Mr Rogers.

Tellers for the Ayes: Mr Agnew and Mr A Maginness

NOES

Mr Anderson, Mr Beggs, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mr Buchanan, Mrs Cameron, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr

Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Kinahan, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Milne, Mr Moutray, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Spratt, Mr Storey, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly negated.

New Clause

Amendment No 16 not moved.

New Clause

Amendment No 17 proposed: After clause 120 insert

"Duty to ensure access to independent advice

120A.—(1) *The Department shall ensure that any person making a claim under this Act shall be entitled to have access to independent confidential advice and assistance provided free of charge in relation to making a claim under this Act.*

(2) *For the purposes of subsection (1) the Department must bring forward guidance on the independent confidential advice and assistance which is to be developed in consultation with the Northern Ireland Advice Services Consortium, within 3 months of the commencement of this section.*— [Mr Attwood.]

Question put, That amendment No 17 be made.

The Assembly divided:

Ayes 21; Noes 59.

AYES

Mr Agnew, Mr Attwood, Mr Beggs, Mr D Bradley, Mr Cree, Mrs Dobson, Mr Eastwood, Mr Elliott, Mr Gardiner, Mrs D Kelly, Mr Kinahan, Dr McDonnell, Mr McGlone, Mrs

McKevitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr Ramsey, Mr Rogers, Mr Swann.

Tellers for the Ayes: Mr A Maginness and Mr McGlone

NOES

Mr Anderson, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mr Buchanan, Mrs Cameron, Mrs Cochrane, Mr Craig, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Milne, Mr Moutray, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Spratt, Mr Storey, Mr Weir.

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly negated.

Clause 121 (Reports by Department)

Amendment No 18 made: In page 88, line 26, leave out "and" and insert

"(aa) the standards of advice and assistance provided under section 132B of the Welfare Reform Act (Northern Ireland) 2015; and".— [Mr Storey (The Minister for Social Development).]

New Clause

Amendment No 19 proposed: After clause 121 insert

"Duty to report on operation of this Act

121A.—(1) *The Department must, not later than 3 years after this Act receives Royal Assent, publish an independent report on the operation of this Act.*

(2) *The Department must lay the report before the Assembly.*— [Mr Agnew.]

Question put, That amendment No 19 be made.

The Assembly divided:

Ayes 12; Noes 69.

AYES

Mr Agnew, Mr Attwood, Mr D Bradley, Mr Eastwood, Mrs D Kelly, Dr McDonnell, Mr McGlone, Mrs McKevitt, Mr McKinney, Mr A Maginness, Mr Ramsey, Mr Rogers.

Tellers for the Ayes: Mr Agnew and Mr A Maginness

NOES

Mr Anderson, Mr Beggs, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mr Buchanan, Mrs Cameron, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Kinahan, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Milne, Mr Moutray, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Spratt, Mr Storey, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly negated.

Clause 130 (Rate relief schemes: application of housing benefit law)

Amendment No 20 made: In page 92, line 26, after "housing benefit" insert "or universal credit".— [Mr Storey (The Minister for Social Development).]

Clause 131 (Discretionary support)

Mr Speaker: Amendment No 21 has already been debated. I call Mr Alex Attwood to move the amendment formally.

Mr Attwood: I thought that that amendment was consequential to the previous one. If it was not, I will move it.

Mr Speaker: Can I tell you a lie? [Laughter.]

Amendment No 21 proposed: In page 93, line 39, at end insert "(6A) Regulations may not provide for the reduction of an existing award where a claimant declines the offer of alternative accommodation."— [Mr Attwood.]

Question, That amendment No 21 be made, put and negated.

New Clause

Amendment No 22 made:

After clause 132 insert

"Payments to persons suffering financial disadvantage

Payments to persons suffering financial disadvantage

132A.—(1) The purpose of this section is to enable the Department to make payments to persons who suffer financial disadvantage as a result of the changes to social security benefits and tax credits contained in this Act and the Welfare Reform Act 2012.

(2) The Department may by regulations make provision for the purpose mentioned in subsection (1).

(3) Regulations under this section may in particular make provision —

(a) for determining whether a person has suffered financial disadvantage as a result of the changes mentioned in subsection (1) and, if so, the amount of that disadvantage;

(b) for determining eligibility for payments, including provision for payments to be made only in prescribed circumstances or only to persons who meet prescribed conditions;

(c) for determining —

(i) the amount of payments;

(ii) the period or periods for or in respect of which payments are to be made;

(d) for claims for payments to be made in prescribed cases and in the prescribed form and manner and for the procedures to be followed in dealing with and disposing of such claims;

(e) for payments to be made in prescribed cases without any claim being made;

(f) imposing conditions on persons claiming or receiving payments, including conditions requiring them to provide to the Department such information as may be prescribed;

(g) for payments to cease to be made in prescribed circumstances;

(h) for the disclosure of information relating to payments in prescribed circumstances or to prescribed persons;

(i) for the recovery of payments by the Department in prescribed circumstances;

(j) requiring or authorising reviews (whether by the Department or by prescribed persons) of decisions made by the Department with respect to the making or recovery of payments;

(k) imposing functions on a statutory body other than the Department in connection with the administration of the regulations;

(l) for such other matters as appear to the Department to be necessary or appropriate in connection with the making of payments including provision creating criminal offences and provision amending or applying (with or without modification) any statutory provision.

(4) Payments are not to be regarded as a social security benefit; but regulations under this section may provide for any statutory provision relating to a social security benefit (or to such benefits generally) to apply with prescribed modifications in relation to payments.

(5) The Department shall, in respect of each financial year in which payments are made, prepare and lay before the Assembly a report on the payments made in that year.

(6) No regulations shall be made under this section unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(7) If regulations under this section impose functions on any statutory body other than the Department, the Department must consult that body before making the regulations.

(8) A power conferred by this section to make regulations includes power —

(a) to make such incidental, supplementary, consequential or transitional provision as appears to the Department to be necessary or expedient for the purposes of those regulations;

(b) to provide for the Department to exercise a discretion in dealing with any matter.

(9) In this section—

"prescribed" means prescribed by regulations under this section;

"payment" mean a payment under this section;

"statutory body" means a body established by or under a statutory provision."— [Mr Storey (The Minister for Social Development).]

New Clause

Mr Speaker: Amendment No 23 is mutually exclusive with amendment No 17, which has not been made.

Amendment No 23 made:

After clause 132 insert

"Duties of the Department

Duty to ensure availability of advice and assistance

132B. The Department must ensure that advice and assistance are made available free of charge to persons making a claim under this Act in connection with that claim."— [Mr Storey (The Minister for Social Development).]

New Clause

Mr Speaker: Amendment No 24 is mutually exclusive with amendment No 19, which has not been made.

Amendment No 24 made:

After clause 132 insert

"Duty to report on operation of this Act

132C.—(1) The Department must, not later than 3 years after this Act receives Royal Assent, publish a report on the operation of this Act.

(2) The Department must lay the report before the Assembly."— [Mr Storey (The Minister for Social Development).]

New Clause

Amendment No 25 not moved.

Clause 135 (Commencement)

Mr Speaker: Amendment No 26 is consequential to amendment Nos 22, 23 and 24.

Amendment No 26 made:

In clause 135, page 95, line 37, at end insert "() section 132A (payments to persons suffering financial disadvantage);

() section 132B (duty to ensure availability of advice and assistance);

() section 132C (review of this Act);" — [Mr Storey (The Minister for Social Development).]

Schedule 1 (Universal credit: supplementary regulation-making powers)

Amendment No 27 not moved.

Mr Speaker: That concludes the Further Consideration Stage of the Welfare Reform Bill, and the Bill stands referred to the Speaker.

Budget Bill: Final Stage

Mr Hamilton (The Minister of Finance and Personnel): I beg to move

That the Budget Bill [NIA Bill 45/11-16] do now pass.

Mr Speaker, I am being encouraged to stop there. [Laughter.] I think that that is from all sides of the House.

Today's Final Stage Budget Bill debate draws to a close the financial legislative process for the 2014-15 year. The Bill before us has been the subject of much debate over recent weeks, a debate that has at times strayed much wider than the Budget Bill itself. Nevertheless, the debate has been informative, and I welcome the opportunity that Members have had to have their say on this important legislation. I hope that it is now completely clear to everyone that this Budget Bill covers the 2014-15 financial year but also provides legal authority for the Departments to spend in the first few months of 2015-16. In addition, it gives legal authority to

the Department of Justice to incur spend on a new judiciary pension scheme in 2015-16.

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

As this financial year draws to a close, now is an opportune time to reflect briefly on what was perhaps the most challenging financial environment facing the Executive and the Assembly since devolution was restored in 2007. During the year, we had to sanction in-year resource spending reductions to manage the overall block position. This requirement for departmental reductions was largely due to the delay in agreeing a way forward on welfare reform. It is therefore encouraging that the Executive have now reached agreement on this issue and that the welfare reform legislation is now finally passing through the Assembly. Only last month, the Executive and the Assembly also agreed the Budget for 2015-16. Again, this was achieved against the backdrop of a highly challenging public expenditure environment next year.

We also agreed the Stormont House Agreement. This not only provided a significant financial package to fund public sector voluntary exit schemes and investment in shared education facilities but paved the way for the devolution of corporation tax powers.

With our economic recovery still fragile, including in our private sector, it is more important than ever that we focus our attention on putting in place the conditions that will allow our economy to flourish. I believe that the devolution of corporation tax is an important part of that economic strategy. However, make no mistake: it is not a silver bullet. We need to continue to invest in our children and young people, in securing our skills pipeline, in making our firms more innovative and in ensuring that we have a first-class infrastructure. Only then can we take full advantage of the strategic advantage that a lower rate of corporation tax affords Northern Ireland.

10.30 pm

Of course, innovation should not happen just in the private sector. I am determined that the public sector becomes more innovative and that we find better and smarter ways to do things. Not only is that desirable but it is an imperative in the context of an increasingly constrained public expenditure environment. I will continue to do all that I can to ensure that the people of Northern Ireland have access to the best public services that are delivered in the most effective and efficient manner possible.

To conclude, this is the Final Stage of our financial legislative process this year, and the legislation has already been subject to much debate. However, I look forward to hearing any final thoughts from Members on this important legislation.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a LeasCheann Comhairle. By this stage in the passage of the Budget Bill 2015, Members will be well aware of its purpose and provisions. It provides the statutory authority for expenditure in 2014-15 as specified in the spring Supplementary Estimates, encompassing the year's monitoring rounds. The Bill also includes the Vote on Account, which allows public expenditure to continue in the early part of the next financial year until the Assembly votes on the Main Estimates for 2015-16 in early June.

I do not intend to rehearse the Committee's contribution to the debate on the Supply resolutions, as that was the appropriate time to debate the detail of the provisions in the Supplementary Estimates.

As the Finance Committee recognised previously and in plenary debates over recent weeks, the legislative stages for the existing Budget and financial processes are cumbersome and in need of reform. Contributions to the recent debates have, in my mind, affirmed that there is broad acceptance across all parties that an overhaul of existing processes should be undertaken.

I welcome the Minister's comments during last week's Second Stage debate, when he indicated his willingness for work to resume on the memorandum of understanding on the Budget process. At its meeting last week, the Committee agreed that I should write to the Minister to request that that happens quickly to put in place improved arrangements for the next Budget process so that it meets the needs of the Executive and the Assembly. Where the latter is concerned, that would include changes to front-load Committees' input so that their scrutiny and advice is provided at the formative stage of the Budget-setting process and before the Executive have agreed the draft Budget. During 2015-16, we will be faced with the commencement of another Budget process, so we must not delay that work.

As I outlined previously, the Committee took evidence on the Bill from DFP officials in early February. That marked the culmination of a process of scrutiny of the 2014-15 in-year

monitoring rounds at a strategic and departmental level. On the basis of that engagement process, the Committee determined that it was content to grant accelerated passage under Standing Order 42(2). The Committee therefore welcomes the engagement with DFP during the quarterly monitoring rounds and on the Estimates and the Bill. It was particularly helpful for members to receive clarification on the details of the in-year technical changes to Departments' resource and capital allocations, some of which were quite significant.

Where the residual issues to be addressed in the weeks ahead are concerned, the Committee reiterates the importance of Departments' minimising any year-end underspend to ensure that the Executive keep within the limits of the Budget exchange scheme, which was agreed with the Treasury. I expect that all the Statutory Committees will closely monitor their respective Departments' forecasting and expenditure during the remainder of this financial year and, indeed, over the next financial year.

Given that the Bill makes partial provision for 2015-16, I shall take a few moments to reiterate some of the Committee's key conclusions on and recommendations for the next financial year and beyond. The Committee identified various strategic issues that will need to be addressed sooner rather than later. Those include careful management of the voluntary exit scheme to minimise risk to public-service delivery, and the Committee will continue its scrutiny of that at its meeting tomorrow. The Executive will need to take a corporate approach to controlling and bearing down on administrative expenditure across Departments. The Committee was concerned to note how this has increased in various Departments over recent years. There will need to be greater focus on preventative spending, and I am interested to note that this is an area being considered within the terms of reference for an ongoing OECD review. A coordinated approach to promoting the uptake of financial transactions capital will also be needed.

The Committee has also called for a fully informed and mature public debate on how best to help to meet the further budgetary challenges ahead, based on complete information and analysis of all options for raising additional revenue through charges and further devolved taxes and duties.

The Committee has called for measures to compensate for the fundamental weakness in our system of budgetary control and oversight,

which came about when DFP's role changed following devolution from one of challenge to one of pure coordination. Noting the particular governmental structures in the North, the Committee has highlighted the need for a robust external advisory and challenge function to be exercised within and across all Departments in respect of budgetary savings and efficiencies. Specific recommendations have been made, which would be distinctive from, but complement, the role of existing oversight bodies, including the Assembly.

Finally, in facilitating the role of the Assembly, full and timely engagement by Departments with their respective Committee will be crucial in ensuring that all Statutory Committees can fulfil their important advisory and scrutiny functions in the implementation of the 2015-16 Budget provisions. In turn, I believe that the Committee functions are exercised most effectively when they provide constructive input that adds value to the Budget considerations.

This evening, on behalf of the Committee, I support the motion.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Thank you for the opportunity to speak at Final Stage of the Budget Bill.

We have come to the end of an intensive period of debate on budgetary issues, and the SDLP's attitude to the Budget has been set out very clearly in the contributions made by our spokesperson. So, as the hour is late, I will confine my remarks to some of the points raised by the Minister in his introductory comments, particularly those on corporation tax.

The SDLP agrees in principle with the proposal to devolve corporation tax but urges a cautious approach. Detailed and careful consideration of a number of issues will be required to take account of the risks to the local economy arising from decreasing public finances and significant proposed reductions in public-sector employment. We would, therefore, like further issues to be addressed in a more detailed consideration of the proposal, including the acceptability of the proposed terms; whether the benefit is adequate; whether it will deepen regional economic imbalance; and what will happen when there is reduced funding for the public sector. It is also worth considering what the situation would be if the UK were to withdraw from the European Union.

It is paramount that the most accurate and up-to-date figure work is finalised with as much

precision as possible in the weeks that lie ahead so that there is transparency on corporation tax. To enable informed decisions on the potential benefits and risks arising from the devolution of corporation tax, it will be important to have clarity on the number of private-sector jobs that will, potentially, be created. We have heard a variety of figures mentioned. In yesterday's debate, the Minister referred to 37,000, and there have been other estimates. Likewise, it will be important to have clarity on the impact on public-sector jobs and services arising from meeting the costs of the proposal.

We need to consider the implications of continued reductions in the block grant in coming years, as it seems certain that the Executive will not share in any of the secondary tax take.

That uncertainty reinforces the need to proceed positively but carefully. We need agreement on additional tools to manage revenue volatility. There is an obvious need to have protections in place to avoid the risk of aggressive tax avoidance between the rest of the UK and Northern Ireland and to ensure that the regime will result in genuine increased economic activity here. Separate from that matter, renewed efforts are required to secure corporate tax compliance.

The devolution of corporation tax holds the risk of compounding regional economic imbalances. Evidence indicates that foreign direct investment clusters where the skills base exists. The potential is that that will be in the greater Belfast area, with renewed risk for the other regions that could be compounded by a reduction in the Budget baseline. That issue should be acknowledged now and possible remedies sought because it is already critical and is likely to be exacerbated in the event of the devolution of corporation tax.

In summary, while the SDLP agrees in principle with the proposal to devolve corporation tax, we believe that a cautious approach is necessary. Associated uncertainties, not least regarding the impact on public finances, reinforce the need to proceed positively but carefully, as I said.

Mr Cree: As the Minister said, this is the Final Stage of the Budget Bill, and it seems that we have been discussing it for a very long time. It is not difficult to repeat a lot of what has been said, and I do not think that we really want to do that, but there are some important lessons that we have learned in the process. Arguably, the most important one relates to the consultation

around the Budget and the consideration of the several thousand responses that were received. There is little evidence that the responses were taken on board in the short time that was available.

In many instances, Departments failed to produce spending plans for scrutiny by the respective statutory Committees. In my opinion, that is not good enough and can easily be overcome by moving the start date of the process forward or backward, depending on how you look at it.

The Budget was able to be agreed by the two larger parties because of increased borrowing powers. We know from recent media coverage that increased borrowing was not favoured by the Executive, but it would appear that it was the only way forward. Servicing the existing debt will cost the Executive some £63 million in 2015-16, and that will increase significantly with the additional borrowing. I ask the Minister to advise on the full effect of borrowing in this year's Budget, going forward.

Now that welfare reform has been resolved, I wonder if there is any chance of the penalties that were applied to us because of the non-implementation of the reform being returned to our Budget. I believe that the last figure for the penalties was £114 million.

The main reason for the additional borrowing was to fund the voluntary exit scheme. We have been told that the scheme will save £88 million in its first full year in the Civil Service. The Stormont House deal anticipated around 20,000 jobs being lost from the public sector over the next four years. It would help if the Minister could provide further information on his estimate of the split and the likely working out of the scheme. The number of recruitment posts that will be frozen and the number of promotions that will not go ahead would also be appreciated to give some bones to the plans. The group of people who will avail themselves of the scheme is likely, in my opinion, to be at the higher grades. That would cause a loss of experience. If there is no promotion, I wonder how that gap can be closed. Those at the lowest grades are likely to have short service and, with alternative jobs being scarce, they are more likely to remain in post. Clearly, it is vital that the scheme delivers. We should all be concerned that it does and that there are no unplanned scenarios that could cause it to fail.

Last summer, at the Final Stage of the Budget process for the current year, I raised the issue of DARD's wind farm development, which was expected to generate savings of £1 million. There was never any chance of the

development being completed in time, and the fallback position was a contingent action to sell timber from the Forest Service. I notice that a lot of trees have been felled in Cairn Wood in my constituency of North Down and remain lying on the ground. I wonder if the Minister can advise us what has happened with the DARD project that was agreed in the Budget.

10.45 pm

It is now only a matter of weeks before the end of the financial year, and it would be useful to know what the indications are on several points: the capital spend to be carried forward; the likely Budget exchange scheme result; any resource capital at risk of being returned to the Treasury; the state of financial transactions capital; any resources being held at the centre; and, finally, whether all Barnett consequentials have been taken into account and clearly identified. The Minister referred to a comprehensive programme of public-sector reform that the Executive would shortly adopt. I would like to know whether the Minister can tell us this evening when it is likely to be announced and what the ongoing issues are for Budget 2015-16, which we will scrutinise in detail in June.

Mr Dickson: Thank you, Minister, for taking us to the Final Stage of the Budget Bill. First of all, I apologise on behalf of my colleague Judith Cochrane, who has followed this debate through, but, given the lateness of the hour and childcare arrangements, it is not practical for her to be in the House at this time of night. Perhaps that is a lesson to us all.

The Alliance Party has opposed the Budget at various stages of the debate. Those have been times when the Budget has been available and amenable to amendment and change. We made those points strongly and validly, but tonight is the time to pass the Budget into legislation to deliver to Departments and to Ministers and to allow them to continue to do the work of the Assembly under the Budget that has been allocated. Therefore, we will support the Budget this evening.

Mr McNarry: This is not a Budget for the faint-hearted; they passed out ages ago. It is not a Budget for economic growth or stimulation. It is not a Budget for employment, nor is it one to neutralise unemployment. This is not a Budget to reduce hospital waiting times, to pay the nurses the salary that they deserve or pay up the pay increases that are being held back. This is not a Budget to encourage investment or attract the long-awaited tourists queuing at the

airports and ferry terminals eager to rush in and enjoy our fresh air and spend their euros, for is that not what we have been told? It is not a Budget to build its way out of recession with much-needed affordable homes to buy or rent. This is not a Budget to develop our grammar schools or make every school a good school; that soundbite hit the rails a long time ago. It is not a Budget to protect community transport, let alone deliver signature transportation that is cost-effective, arrives on time or even has a rail track to run on, nor is it a Budget to reward our farmers or fishing fleets and assist them to stay afloat against a tide of nonsense EU directives. Above all, this will not be a Budget that restores confidence in many people's spending power.

As for our elderly, the pensioners and the many hard-pressed families and single parents, artistic licence has been taken to say to them, "Things are tight, but stick with us because we know what we are doing. Tighten your belt; it will get better soon". Bunkum. Despite the cocoon of the Executive's cosy, arrogant, cavalier fiscal policies, people out there are not being fooled. They are right to say to the big spenders, the wasteful spenders and the negligent spenders, "You don't know what you're doing". And they do not.

This is not a Budget for the in work, the out of work, the better off and the not so well off. It is a Budget for the hangers-on, and you will find them in the Executive. This is not a twist-and-stick Budget; too many low numbers and then they hit the last card in a five-card-trick gamble. This is a Budget that is taking a gamble, with the dealer George Osborne holding all the cards. What negotiations have taken place with that paymaster? On the evidence of this Budget, there have been none of benefit. What contingency is in the Budget for when the Tories launch more ruthless austerity measures? None. Yet the Executive have already opened the floodgates on parity through the sell-out or the sell-off between them, depending on whom you believe. The point is that no one believes in them any more; this is only a Budget for the Minister's fiefdom. They play at running our affairs, vying to be the Minister of this and that, when, in many cases, kudos is the only game. One Minister stands head and shoulders above the rest because she tries. She tries because she cares, and she cares because she knows and respects the importance of her job. That is Minister Foster. She sets a good example, but she stands alone and, I suspect, on her own. *[Interruption.]* I appreciate the timing of the Minister's entrance there when I caught her orange glow out of the corner of my eye.

Mr B McCrea: Is that what won you over?

Mr McNarry: I was won over a long time ago, Mr Deputy Speaker.

This Budget is, as we know, a freak Budget, given a year longer to run than anticipated, because elections to the Assembly have been postponed. The cynic would say that this is also a freak Assembly, because the parties in the coalition today will be the parties in the coalition next time. We will have to see about that. All I can say is "Keep going. You are wasting money; you are devaluing development; you are hurting people in pain; are you are turning what was once the best education system in the world upside down, with neither teachers, parents nor pupils knowing what is going on. And do you know what? Despite the potholes that you cannot afford to repair, the dual carriageway back to power just ain't going to be that easy next year".

Mr Deputy Speaker, this is a Tory Budget. This Budget offers a magic wand solution to the carelessness of the Executive, and nowhere is the effort by Ministers to up their game evidenced in this Budget. They will all have a role to play, but it is a Budget to ignore, should they decide — they will — to spend money that they do not have. There are no disciplines, no dismissals, no sanctions to prevent any Minister doing a solo run. This is a Budget patched up by borrowing and rising debt. It is an indictment of an Executive not fit for purpose and now hanging on to power by the flimsy thread of the Stormont House Agreement, which unravels daily as the five-party interpretation of this cobbled-together agreement exposes their differences. Some, it is clear, are not even sure what they signed up to on Christmas Eve. What we really have before us this evening is a marionette Executive in hock to the Treasury, delivering a Tory Budget at the behest of their Tory paymasters. Having lived beyond their means for years, these irresponsible Ministers, who allowed the crisis and the Budgets that they managed previously to get out of all proportion because of irresponsible spending on pet schemes to the extent that they have had to be bailed out, now ask us to believe that these former incompetents have become paragons of political and fiscal rectitude delivering responsible finance and real political leadership and direction.

The First Minister said before Christmas that he was in charge — in charge of an Executive that was not fit for purpose. He is now telling us that Theresa, the Christmas fairy, waved her magic wand and these fiscal geniuses have now become fit for purpose, and he is fully in charge

of them. Are we seriously to believe that we can expect fiscal prudence, tough decisions and political wisdom from these former big spenders? If anybody believes that, they obviously believe that the age of miracles is not dead and that the tooth fairy is alive and well and living in Stormont House.

Look at the evidence of one recent issue. A tough decision beckoned: the Minister for Employment and Learning said that teacher training had to be rationalised. He talked tough. Then, Ministers clustered around the Executive table and emerged with another non-decision. There was to be no change, and subsidies to teacher training colleges were to continue. A decision by the Employment and Learning Minister became a non-decision by the Executive. You understand, Mr Deputy Speaker, that I am not commenting on the correctness or otherwise of his decision; what I am saying is that the age of political fudge is still alive and kicking around the Executive table. The new tough decision makers, sprinkled with financial reality dust from the Treasury and monitored by the same Treasury, came out with another non-decision. The omens are not good. The age of no decision-making lives on. You see, old habits die hard. Are we in for another four years of dithering, procrastination and delay?

I am pleased with the one Treasury decision that took on board my idea, given at no cost to it, to put in place a Treasury-appointed Budget control overseer to monitor the recklessness of the Executive's spending. Over the last few years, these Ministers have openly bragged about the highly dubious practice of in-year monitoring as a means to sustain their departmental budget. They were actually saying that they were being saved by their own inefficiency in spending money voted by the Assembly. Where, I ask, was the clarity of vision in that highly questionable system?

I now turn to the core reason why we have a Budget in the first place: the Programme for Government. Where is it? Is it lost? Is it in the quicksands of budgetary change? Has the Programme for Government been amended? If so, by whom? What are the new policies? Where are the new targets against which we are to measure the success of its delivery? Has Assembly approval been sought? Has it been given? I think not. However, given the mushroom politics of this place, bathed in darkness and fed a diet of — I must be careful to use parliamentary language — non-information, it is hard for any of us, if we are honest, to tell where we are.

Government is not about maintaining departmental budgets and the oversized bureaucracies that feed on them; it is actually about having a programme and policies, costing and delivering them and then assessing the extent to which you can deliver them. A Government of Departments should not be what we have; we should have a real Government. They would call it a coalition. Of course, the rampant big-party domination and carve-up that the Assembly has become is not really a Government; it might be a cipher delivering Tory policies at arm's length. It might be a back room somewhere in Stormont Castle where the DUP and Sinn Féin decide things and cut their deals without reference, it seems, to their junior partners. It is not a Government taking real transparent fiscal decisions that they link to a Programme for Government in an open and honest way that can be openly debated on the Floor of the Assembly, where the people are represented.

Do we have a new revised Programme for Government? Are we are told what it is, what its targets are and how they are costed, and how the Budget links up to something other than keeping the Executive afloat, in much the same way as the Government in Greece are kept afloat on a hand-to-mouth basis?

11.00 pm

The jury of the public, and public opinion, is out on these Ministers. The public are watching to see if they can make a better job of living within their means this time. They are waiting to see if there will be any more solo runs on spending. The public are waiting to see if the Ministers can do the job of governing Northern Ireland as opposed to greedily looking after their narrow, party self-interests.

What is needed is a new politics for Northern Ireland; a politics based on vision, on planning, on the public interest and public engagement in those decisions and on delivering the real benefits to be had from devolution. This will only be achieved when parties are willing to bury the plethora of political correctness that is drowning real decision-making in a sea of meaningless double-talk.

Why are we funding the not necessary and the not urgent when we have a procurement system that is upside down and lamentably ineffective? Why are we serving up downright expensive indulgences that are so obvious as photo shoots for camera-seeking Ministers when we cannot recognise either the purpose or the cost of their value? In an Executive with too many questions over procurement, contract

placing and financial impropriety, why are we watching over a Programme for Government that is being written as we trundle along? That is what this Budget will trot out this year — an election year.

It is a Budget punctuated and highlighted by the outcry of austerity, with the Executive's spin doctors out-working that the cost of spending is good for you. Spending on capital terms that have not been costed, such as a rail track estimated at £20 million and repriced at £40 million, is not good for you. I wonder: where was the ministerial photo shoot for that one?

This Budget is the corporate work and agreement of a coalition of losers. The DUP and Sinn Féin can well do — *[Interruption.]*

Mr Deputy Speaker (Mr Beggs): Order.

Mr McNarry: Thank you, Mr Deputy Speaker. The DUP and Sinn Féin can well do — and are entitled to do so — as the power players in this coalition, but what on earth are the Alliance Party, the SDLP and the Ulster Unionists doing backing this Budget? These losers should not be in a coalition of Government. *[Interruption.]*

Mr Deputy Speaker (Mr Beggs): Order.

Mr McNarry: They should be here with UKIP, denouncing this Budget and fighting with UKIP to expose this Budget's incredible assumptions and inescapable spending as nothing more than a Budget for the hangers-on.

Yet it is they who are hanging on and clinging on to office. Like the people looking in from the outside, as UKIP currently does, there is not a hope of the losers — the Alliance Party with its two unbalanced Ministers, unbalanced in the fairness of their appointments, I would make clear; the SDLP with its single Minister representing its sister party's leader Ed Miliband; and the hear-no-evil, see-no-evil, speak-no-evil, if-it-is-85%-then-count-us-in Ulster Unionists with their one Minister staying put in case his departure sparks a leadership crisis — even being a success in opposing inside the five-party coalition. Perhaps it is no wonder that they have not got the guts or the integrity to pull out and go into opposition with UKIP.

Let the people know, and they will be told, that this Budget is not Simon Hamilton's work alone. They are, as someone recently said and as I have heard tonight, all in it together. They are in it together and already sidestepping issues and trying to master the "Not me, guv" defence, yet they are unable to unhinge themselves from

their Executive masters the DUP and Sinn Féin, who sit right under their noses as a brazen double act in a coalition all of their own. You do not need to be in it. You do not need to oppose it. You do not need to form a strategic official opposition with perks and brass knobs. You just need to stick to principle, but in that area you have also proved yourself to be falling well short. It is your Budget, not mine. It is not being sold or bought in UKIP's name either. You will sow what you reap, but the financial harvest for our people will be a poor yield. It is not regrettable; it just cannot be defended. *[Interruption.]*

Mr McNarry: Pardon?

Mr Deputy Speaker (Mr Beggs): Order.

Mr P Robinson: Will the Member give way?

Mr McNarry: Yes.

Mr P Robinson: Could he tell us how you sow what you reap? I thought that you reaped what you sowed.

Mr McNarry: I am very glad that you are probably the only intelligent person who picked that up. *[Laughter.]* The conundrums of this Budget are exactly what I have said they are.

Mr A Maginness: That is why he is First Minister.

Mr McNarry: I would not say that.

Mr B McCrea: Just when I thought there was no point in me being here, I have to confess that it has been a night of surprises. The previous contributor, Mr McNarry, has delivered a wonderful, wonderful, wonderful speech. I know that I am not in the same league as the Minister of Enterprise, Trade and Investment or, indeed, the First Minister, but if there is anybody from the media listening or milling around, I think that they should listen to that speech because it was really well crafted. It had wonderful words of poetry, dulcet tones and honeyed words. A lot of effort was put into that speech. I am actually a little disappointed that we only got to hear it at this hour. Of course, despite the way in which it was delivered, quite a lot of it was rubbish. *[Laughter.]* But do not let that detract from the eloquence of what was put forward.

There are some important things that I would like to say. I do not know whether they would count as intelligent but I will say them anyway.

Before I do that, I just want to check something. Mrs Foster has moved to the Back Benches. *[Laughter.]* I am just checking whether there is anything that you know, Mr McNarry —

Mr Deputy Speaker (Mr Beggs): Order. Could I encourage the Member to come back to the Bill, please?

Mr B McCrea: Mr Deputy Speaker, you are, as ever, erudite and to the point. I shall return to the point that we were discussing, which was that one of the really difficult issues that I have heard in the debate, not just tonight but earlier, is economic illiteracy. One of the real problems that I hear when people talk about things that they would do when in office, or money that they would spend, is that they do not seem to be able to cost it properly. I am actually a little disappointed that Mr Agnew is not speaking before me, because his leader was fairly to the point on the radio and TV on that.

There are some important points that we will have to deal with, and I say that knowing that I have no influence or power in this place. I am just sort of here at 11.00 at night and I put some things down because I think that, in the future, we will have to deal with them. The issue that I see looming large in front of us is the health budget. People have said time and again that the demand on our health services is rising at 6% per annum because, fortunately, we have an ageing population. With an ageing population, however, come issues like dementia, Alzheimer's, broken hips, different drugs and what we do for care.

Those factors affect all of us, yet the problem is that the available budget is increasing at 1%. Even those with only a tenuous grasp of economics can understand that, over a period of years, we are going to lose money and not be able to fund that gap in health. The dilemma is that we will end up with a health service that is less well-funded and provided for than in other parts of the United Kingdom. This is a challenge that will come back to this House, and we will have to deal with it. Not only is that Budget issue not sustainable but we are going to have to tackle some really tough issues. When we talked about the Donaldson report, I think we missed some key points. We have to find some way to make the tough political choices that need to be made.

No Minister or Member of this Assembly will welcome the closure of any hospital or facility in his or her constituency. That is obvious, yet when you look at the figures, I heard the Minister of Health say that, if he had to start

somewhere, he would not be starting here because we simply have too many facilities.

We talked about welfare reform. She is not here now, but I saw Dolores Kelly shake her head at me a couple of times as I entered the Lobbies along with what I took to be the Government. That was because the only way to deal with these difficult issues is through a collective decision. It is too easy for people to snipe, take advantage and go off and say, "I see a little bit of an opportunity here". That will not work in a Budget. This is something that we are going to have to work out whether we like it or not, and it requires a united political response.

I then come to why we need to do that. As the Minister of Finance and Personnel will know, I raised with him a number of times in this debate the fate of DCAL. I heard what he had to say. He said that he could not be on top of every issue, that he had to take a broader view and that other Ministers had to look after their portfolio. We are making a mistake if, because of the pressure on our health budget, we have to cut everything else. I look at the contributions that Sport NI, NI Screen, National Museums, the Arts Council and many of the arm's-length bodies in DCAL make. They support the efforts of other Ministers and Departments. I look at the contribution that they might make to tourism, health and education. I know that it is only £100 million and that we are taking only £10 million off it, but the impact of those cuts are drastic. They come about because we are under pressure with our health budget. We have to find a different way of looking at this issue. This will not go away; it will get worse. We will see further fiscal tightening from Westminster and see an ageing population putting more and more pressure on our health system.

I come to a few points that I want to close on. The Alliance Party has been castigated because its Members dared to come forward with a few brave statements.

They have been put in the position of being asked, "Are you the party of raising tax? Is this what you're all about?"

11.15 pm

I believe that there are ways that we can make certain things pay in our society. I still do not understand why the public purse should pay for every single facility. I raised in the House the fact that we want to invest in Waterways Ireland, yet we do not put a tax on cruisers. I

look at how we might raise things to invest further and how we could do something to increase the economic opportunity. It should not be solely down to the public purse. The public purse should prime the pump, but the private sector should be allowed to kick in at some stage. I think that is a rational argument, not some sort of political stance to take.

When we look at how we might go forward, we need some form of shared vision. Frankly, some of the points on which I agreed with Mr McNarry were on where people stand and take a political punt on something; when they start to say, "This is for the election"; when they start trying to tell the people that black is white and that you can magic money out of something. You cannot do that. We have to find a way of investing properly and, in this case, although I have already said to people that I respect their mandate, when people start talking rubbish, others have to stand up and challenge them.

The conclusion to all this is that I do not want to see the meaningless double-talk that Mr McNarry referred to. I want to see us tackle the real challenges facing our society. I do understand that there are some tough calls. I alone was the person who, when we considered tuition fees, asked whether we were sure that we had got that right. When I heard the debate on the Magee campus, I looked at all that and said that we are going to put more places into Magee. Do you want people to increase their debt, to go and get an education and then have no jobs to go to? You cannot do it in isolation. I note, just for the record, that in the United Kingdom, they are now saying that 49% of people will default on their tuition fees — a sum of £2 billion — yet our universities and colleges are falling behind.

I am in the enviable, easy position of being on my own here. I can stand up and say what I feel. I can point out to people where they are going wrong and then sit down or leave the Chamber, but I choose not to do that. Instead, I say to you that there is a necessity to do something, but you will have to find a way of doing something similar to the Welfare Reform Bill, where you need a five-party coalition that genuinely works together and moves forward. It is on that basis that I am supporting the Budget.

Mr McCallister: I was going to point out to Mr McNarry before he left that I agreed with some of his points attacking other parties. It was probably slightly bizarre that he was keen, and has been for a number of years, to do a deal with the same party he is attacking. He may

have even wanted to be the unity candidate in South Belfast as recently as last week.

I will say several things that I have said throughout the Budget debate. You need to get to a point where you have collective Cabinet government. We badly need to reform this place so that the Minister and other Ministers can get to a point where they can deliver on policy agendas. My views on having an opposition here are well known, but we need to have people who are either in Government or in opposition, and not doing a bit of both. That is what reduces the credibility of the Assembly and the Executive if people agree a Programme for Government.

Although the Minister has done enough to get a Budget over the line to take us to the end of this mandate, we cannot come back here — whoever is returned, and whatever the new Executive look like after the 2016 election — and have another term. In 2011, this term was promised to be the term of delivery. We cannot come back to this place and do the same again. That is why reform of this institution is vital.

My constant criticisms of the Budget, and in the previous debate on welfare reform, are that we give the impression that we are making these reforms only because Westminster has put us in the position where we have to and we have kicked the can down the road for so long. As I said in the debate on welfare reform, we should be looking at a Budget and collective government and all of it joining up. How are you growing an economy? How will you make people less dependent on welfare? Where will the lead come from? If we go down the road of corporation tax, that will tend to help the better educated, not those trapped on benefits. That is where I want to see joined-up government and where I want us to move to.

The Minister will know that I put some questions to him on the voluntary exit scheme, and I have replies from him about it. Minister, I have to say that my concern still stands that you are not going to publish the business case for the voluntary exit scheme. The necessity here is to reduce the pay bill; that is fine. However, I find alarming your comments that this is not strategic workforce planning. I find it alarming that, in your answer to me, you say that you have to take out 2,400 staff. However, you have no strategic plan as to how we do that and how we ensure against a brain drain from the Civil Service. The age profile is likely to be lower. What will that lead to? Can we manage if there is a huge brain drain and a severe lack of experience in the Civil Service?

An Audit Office report on the UK Government's response to this in 2010 said that you would need to manage it. There were some good points made about how a Government and how DFP should be managing it. That is still my huge concern about the voluntary exit scheme. At a time when we are committed to spending £565 million on welfare reform, there is also the possible cost of a reduction in corporation tax of £325 million and our borrowing money from the Treasury for the voluntary exit scheme. Much more thought needs to be put into those things. A plan needs to be drawn up as to how we take 20,000 workers out of the public sector over the next four years. That is a mammoth task and something that Northern Ireland has not experienced before. It is alarming that this reform is being pushed by Westminster onto a reluctant Executive that have no key plan for how they will deliver it.

Mr P Robinson: I speak not as leader of the party or as First Minister but as a constituency representative. I was encouraged to do so by my outrage at a comment by an SDLP Member in the last debate. I want to draw it to the attention of my colleague and to seek from him an assurance that, under no circumstances, will he take the advice and change the funding and investment priorities of the Executive to meet the demand of the Member for West Belfast Alex Attwood, who, in an intervention to the Member for Strangford Mr McNarry in the last debate, suggested that what was required to deal with the employment and investment difficulties in west Belfast was to stop investment in south Belfast and east Belfast. I have to say that, as a representative of East Belfast, I find that an outrageous statement. I wonder whether his colleague and party leader the representative for South Belfast also advocates the banning of FDI in south Belfast. It would be interesting to find out what Mr McDonnell's position is on that issue.

What I want to be clear on is that, in any Budget that my friend puts his hand to, there will be no cut in investment in south Belfast and east Belfast. Anybody who knows anything about investment and jobs knows that, in a relatively small city like Belfast, jobs in south Belfast and east Belfast are accessible to people in north Belfast and west Belfast. Anybody who knows anything about foreign direct investment knows that no Minister directs where a company will go. They will determine, on the basis of their requirements, what part of Belfast or Northern Ireland is best for their business. The suggestion that we would somehow close the doors of east Belfast and south Belfast is not only ludicrous but contrary to any sensible

proposal to provide jobs for the people of the city as a whole.

We then heard some comments from the SDLP Benches about corporation tax. The more I see the behaviour of the SDLP in relation to financial issues flowing from Stormont Castle and Stormont House, the more I am appalled by their behaviour. There was a five-party agreement on financial issues. I have seen brows being furrowed and hands going up in the air as if they do not know what happened or what they have agreed to in the past, and I have heard the vulgar language in meetings from the leader of the SDLP, who is unhappy about comments that were made about backtracking in implementation. I want to make it abundantly clear that not only was a five-party agreement reached at Stormont Castle but, along with the four other parties, the SDLP trooped down with us to Stormont House to sell that agreement to the Government. So, when people talk about us being forced to do things by the Tories and so forth — rubbish. This was our agreement. We agreed it together and we went down and sold it to the Conservative Secretary of State. Those are the facts, and nobody can gainsay those facts.

Mrs Foster: Will the Member give way?

Mr P Robinson: I would be happy to give way to Orange Lil. *[Laughter.]*

Mrs Foster: I thank the Member for his very apt description of me. Does he join me in being rather bemused this evening to hear the leader of the Ulster Unionist Party raise issues about the Stormont House Agreement with my friend the Minister for Social Development? He challenged him and said that he did not have a copy of the Stormont Castle agreement that actually said it was the Stormont Castle agreement and, in some way, tried to say that he had not signed up to that agreement.

Mr Deputy Speaker (Mr Beggs): I encourage Members to come back to the Bill.

Mr P Robinson: As a matter of courtesy, I think that I must respond and try to do so within the context of the debate. Of course, we can all dance on the head of a pin about whether the words at the top of the agreement said "Stormont Castle agreement". That is irrelevant. The pages that were put into the Library are the comments that were agreed by the various parties. The leader of the Ulster Unionist Party knows that as well as anybody else who was there on that occasion.

Let me deal with the SDLP's comments about corporation tax. Corporation tax, incidentally, will only come about because we agree to a Budget and welfare changes. Those who try to disrupt the Budget process and try to stop welfare changes are, at the same time, saying that they are quite prepared to stymie the process that would see corporation tax powers being given to the Executive in Northern Ireland.

11.30 pm

Yesterday, in my view, we had a very good meeting of party leaders. We met the chief executive of Invest Northern Ireland. The message he gave clearly to those who could listen, or who were prepared to listen, was this, "Let no party go out and attempt to undermine by suggesting different rates, different starting times, or that there might or should be changes in corporation tax; let there be a united agreement by the Executive on the issue. If you do not do that, you make my job as chief executive of Invest Northern Ireland more difficult." That was his message. If I go to an employer and ask him to look at our new level of corporation tax and come to Northern Ireland as a result of that, and somebody in the background is saying, "We want to be cautious about this. Maybe the rate isn't right" or "Maybe it shouldn't be done at this time", or "Maybe it's going to cause regional disparities" or whatever the excuses might be, the employer is going to say, "That doesn't sound as if it is a very stable or permanent arrangement that you are asking me to enter into." That drives away jobs.

Incidentally, a question was asked about the number of jobs. Let me explain the science behind that. The Minister was right in the figures that he gave. These are the most up-to-date figures; around 37,000 or 38,000 new jobs are expected. Previously, the expectation that over 50,000 jobs would come had been discussed. The difference between the two figures, apart from the sheer subtraction that is necessary, is that the larger figure was based on a corporation tax level in the rest of the United Kingdom of 26%, but it is now based on the level that we know it is going to be at in 2017, which is 20%. That causes the differential. Of course, I hope that Invest Northern Ireland will go out and attempt to beat those targets, but that is the reason why the figure was revised.

Let me deal with the issue of regional disparity, because the leader of the SDLP raised it at the meeting yesterday and was told that there was no empirical evidence whatsoever to suggest that lowering the level of corporation tax was

going to have any adverse impact in relation to regional disparity. I am as keen to see jobs in the north-west or any other part of Northern Ireland as I am to see them in the Belfast area. Indeed, the deputy First Minister and I have had discussions fairly recently with a very significant prospect for the north-west of the Province. So, we are trying to drive forward the argument that there is a pool of skilled labour in the north-west of the Province and that we have to try to attract more jobs into the Londonderry and general Fermanagh and Tyrone areas, because —

Mr G Robinson: Limavady.

Mr P Robinson: And Limavady — *[Laughter.]* So, it is on our agenda to deal with those disparities. The issue of corporation tax is irrelevant to those disparities, except to this extent: the more jobs you get into Northern Ireland, the more people will be employed and the less unemployment there will be.

It is not as if going from one part of Northern Ireland to another is the same as going from one state in the United States to another. We are a relatively small country, and there is a certain mobility about our labour. Only during the course of the past few days, I went down to the Ulster Bank, where 350 new jobs were being announced for RBS. As we went round, it was as though we were going to the whole of Northern Ireland and meeting people from every county of Northern Ireland. So, there is a mobility about our labour.

I say this to the SDLP: please do not start to do on corporation tax what you have done on the Budget and welfare reform by being pernickety, niggling and attempting to find any small issue on which you can try to set yourself up as being different from the rest of us. It is essential that we speak together on this issue, advocate the new level of corporation tax and try to get the best benefit we can from it.

An issue about the penalties arising from welfare reform and whether we would get them back was raised. The Stormont House Agreement is clear on the issue. The penalties stop at the moment we have welfare reform dealt with by legislation and have agreed regulations. At that stage, which we imagine should be at the half-year point of the financial year, the penalties will stop. We have taken this into account in our Budget calculations for the 2015-16 financial year.

I had decided to speak before Mr McNarry, a Member for Strangford, rose to make his comments. I have to say that he spoke like someone who was reading another person's

work. It was not David McNarry who I was listening to. I do not know whether he has taken on an intern from some primary school in the area or how he got the researcher who brought forward the information, but it was gobbledygook. It was nonsense. It might have been strung together, he might have had it well punctuated, the delivery left a little to be desired, but the content was not impressive whatsoever. He threw out this question as though he had got a real nugget: "Where is the Programme for Government?". Walk down to the Library, David. All you have to do is ask for it. It is there. You can get the Programme for Government. The Programme for Government takes us up until the May period, and then a new Programme for Government for the remaining period, which will be an extension of the present one, plus some enhancements, will be in place for the last year of our term.

It seemed that it had disappeared or had never been there in the first place. However, the Assembly has passed the Programme for Government, it is the product of the collective work of the Executive Ministers, it is published and available online and in the Library, and, if the Member cannot get it from any of those sources, I am quite happy to give him my copy. Of course, we will then move to the final year, which is the extended year, of the Executive and Assembly and deal with the Programme for Government.

I found this interesting. I am sorry that he is not in his place; I am not sure where he is. The fact remains that he said that we had "cobbled together" the Stormont House Agreement. This is the chief adviser to David Trimble telling us that we have "cobbled together" an agreement. I suspect that this agreement will be implemented in a way that his — David McNarry's — Belfast Agreement was not able to deliver. He wants to forget his past as Trimble's right-hand man and tries to set himself up under his new UKIP regalia as someone who is somehow separate from his history and who has the answers to all our problems. He perhaps is in a slightly depressed form today because of the very significant drop in UKIP support in the polls. Of course, we, the 38 of us who won elections, are the losers, as opposed to the one of him who won an election under a different label and has not won any election under his new label.

However, I want to go on to comments from the Member for Lagan Valley, which were more sensible. I agree with him on the health issue. Having been a Finance Minister, I know about and I watched the steady increase in the cost of health in Northern Ireland. It is in common with

that in most places around the world. People are living longer, their expectations are greater and there are more costly drugs on the market. All those issues have combined to push up the cost. When you get to my age, I can say that I am quite happy that people are living longer, and I am sure that, at some stage, I will have to lean on the health service, as many in the House will have to as well.

Of course, we need to look at how we do things to see whether we can offset the additional cost by doing things in different ways. That is what Transforming Your Care was about. It is also a factor, and I agree with him on this, that there are difficult decisions that we will have to take when it comes to the use and location of various facilities that the Department of Health is responsible for. I do not think that this House should easily set aside the professional and expert advice that it has been given. That does not mean that you take it all or do it all in the way that is suggested, but to walk away and just continue with things the way they are is not the answer. You might escape the wrath of those who live closest and want the facilities there at present, but you will not escape the wrath of a future generation who will find a health service that cannot be funded and a depletion of services across the board.

The truth is that there are many people who are beginning to recognise that there are levels of expertise in certain hospitals for certain illnesses and diseases. There are people who are prepared to drive past present local hospitals to get to that expertise, and all the professional advice is that that is the sensible thing to do. Therefore, we need to restructure the health service in a way that ensures that, while you do not necessarily take away provision in a local area, you have to look at the spread of provision and how it is divided across the Province. I am not afraid of taking those difficult decisions and I am glad to hear that the Member is content to be a part of taking them. Quite honestly, I doubt that there are very many in this Assembly who would argue with the need to do that but, sadly, in politics, there will be people who will want to take some political advantage out of people who will do what is required and what is right. There is a requirement for maturity not just in debate but on the decisions that will have to flow thereafter.

Mr McCallister had not quite washed out of his system welfare reform and the restructuring of the public sector in Northern Ireland from the previous debate, so he gave us a replay. It was no more convincing on this occasion than it was on the last, so let me tell him something about

the restructuring. Northern Ireland has significantly more public servants per head of population than anywhere else in the British Isles: England, Scotland, Wales or the Republic of Ireland. A 10% reduction in our public service profile would still leave us over-represented; that is the fact of the matter. Unless the Member is going to stand up and tell me that Northern Ireland public servants are less capable than those elsewhere in the British Isles, I believe that our public servants are capable of doing the job with fewer numbers. Again, it is part of the five-party agreement that we have to deal with that issue, and it has to be done in a way that ensures that we do not lose expertise or damage the services that we provide, so it will require care.

The idea that we are going into this blind is wrong. The head of the Civil Service and those under him, who are working directly on this matter and have been preparing for it for months, know exactly what they are doing. It is a difficult task to carry out, and it is over a four-year period. However, at the end of that, it will have reduced the pay bill by about £500 million — half a billion pounds — a year. So, when somebody talks about borrowing £700 million to make this happen, let us have it in a context that is sensible. The context is a reduction of half a billion pounds a year in our pay bill, so it makes financial sense to do it.

More than that, it makes political sense, because what we are attempting to do is rebalance our economy, and every serious economist has been telling us for years that we have to change our dependency on the public sector and build up the private sector. That is why the issue of corporation tax is completely connected to reform of the public sector, because what you are attempting to do with a reduction in the level of corporation tax is to bring in jobs that have a profit centre in Northern Ireland locally and, therefore, will increase the strength and growth within the private sector while, at the same time, you are slimming down and streamlining the public sector.

This is what is called rebalancing the economy. It is a sound policy to have. It is the only economic policy that makes sense for Northern Ireland. It is the one that has been endorsed by political parties. It has been endorsed by economists, and it has been endorsed by political commentators. It is recognised that this is the right way to go. Of course, there will be bits and pieces where, if you take them on their own, people will say, "That is something that I would rather not do", but it does make

sense in the overall scheme of rebalancing our economy.

11.45 pm

In terms of this idea that we are all losers in this Assembly and Executive, I know that the level of debate is pretty low when these kinds of terms are used. It might be worthwhile for us to remember some of the successes that we have because I am one of the few people in this House who is old enough to remember previous occasions when there were economic downturns, and when we had to wait for years after the rest of the United Kingdom came out of that economic downturn for us to crawl out of the decline as well. That is not happening this time. We are bringing ourselves out at the same time as the rest of the United Kingdom.

Unemployment in Northern Ireland is 5.7%. When I entered the House of Commons, 30-odd years ago, unemployment was at 18%. Who is the loser in that? For 25 consecutive months, our unemployment levels have been going down. That indicates success.

It is wonderful how some people attribute success to things that would have happened anyway but say that failures are the responsibility of the Executive. The truth is that we have been able to bring more foreign direct investment into Northern Ireland, even during the recession, than any other part of the United Kingdom on the basis of population. We have been able to bring in more foreign direct investment than London and more than the south-east of England, and we have been able to bring in more foreign direct investment than at any time in our history. We have done more in terms of our infrastructure than at any time in our history. We have lower local taxes than any other part of the United Kingdom. We have been able to bring events to Northern Ireland to be able to showcase Northern Ireland to the world with organisations that would not have dreamed of coming to Northern Ireland before. Businesses are coming in and looking at Northern Ireland that would not have touched Northern Ireland before, and the UKIP Member, who has absented himself once again, says we are losers. These are stories of success.

Of course there are difficulties, and those difficulties, I have to say, come around because of a global banking crisis, not because of the actions of this Executive or even because of the actions of the United Kingdom Government. In spite of those difficulties, we have been able to make very considerable progress in terms of our economy in Northern Ireland. We do have to take difficult decisions, and the Finance

Minister has to front those difficult decisions. The truth of it is that we do not have the ability to bring in large amounts of money unless we are prepared to take some decisions that will punish our people even more.

I have to say that, in terms of political courage, I admire the Alliance Party standing up and saying that it wants to introduce water charges at £300 or £400 to every family in Northern Ireland. It is that party's view and not mine; I believe in a low-tax regime. That is why I prided Northern Ireland for having the lowest local taxes in the whole of the United Kingdom. You can bring in more money if you are prepared to do that, but there is a downside to it. It means that there is less money in the pockets of people of Northern Ireland and less money going into shops and businesses in Northern Ireland as a result of it. I do not run away from the issue either, and I have to say to the Member for Lagan Valley who raised the issue of tuition fees that I think that we took the right decision on them. I do not believe that a person's access to university should be based upon how rich or poor their father or mother is. Therefore, I think that we took the right decisions.

However, every year costs go up, and I do not think it unreasonable to review the level of tuition fees. I would not oppose a modest increase in the fees, providing, of course, that it is used to help to get more university places so that we can have more skilled people to take the jobs that are coming through.

I congratulate my friend for bringing forward a sensible Budget based on having to deal with the difficult economic situation that the whole of the United Kingdom is in. For anybody from UKIP to suggest that somehow the Tories were going to bring in more difficult proposals if they were to be returned when his party actually supports that type of austerity is hard for me to swallow. I believe entirely that the Minister had the right priorities of protecting our health and education budgets and ensuring that we have the ability to bring in new jobs and increase skills. Of course, there will be difficult divisions of those funds between the various Departments. That is why you want to cut out the costs where you can, whether it is through restructuring or by looking at other areas of the public sector where we can have greater efficiencies. I hope that many of the proposals that the Finance Minister has trailed on efficiencies will be taken up by those who want to ensure that we have more money available for front-line services.

I encourage everybody in the House, late in the night though it may be, to enthusiastically go through the Lobbies with the Minister. They should forget about the whingers, who have nothing to offer and who made no proposals at any earlier stage about how it could be done better. They should go through with those who have had a very careful hand on the tiller and who have brought us through very difficult times. I believe that they have given us the hope of a very prosperous future for Northern Ireland.

Some Members: Hear, hear.

Mr Attwood: I was not inclined to speak in the debate, as I probably spoke more than enough today.

Some Members: Hear, hear.

Mr Attwood: I have been encouraged to respond to the comments of the First Minister in particular. Before doing so, let me point out where I might agree with the First Minister, although he spoke as a Member for East Belfast. I agree with the points that he made about health and the economy. I ask the First Minister this: if there is an all-Ireland health study that was conducted and completed a number of years ago, is there not an imperative, as we move to rebalance our economy, also to rebalance our health service on an all-Ireland basis? Given the scale of moneys now going into health provision on the island of Ireland, — 50% of public expenditure in the North, over 40% in the South and 33% in Britain — is there not an obligation on the First Minister, who applauds the Executive for what they have done for the economy, to now have them apply themselves to health provision on an all-Ireland basis?

That is why the SDLP warmly welcomed the decision that Minister Wells and Minister Varadkar made some months ago on children's cardiac care. That demonstrated what lateral, innovative thinking in the Governments on this island can do to provide a better service for people in health need on the island. I suggest to the First Minister that if he wants now to go in a bold and innovative way, we should do so on the basis of the 2000 health study. Let that be part of the sectoral developments in the North/South Ministerial Council that were indicated at the Stormont House Agreement. Maybe, if you were to take those forward, there would be further reason to applaud this Executive in what it does.

These were the words that the First Minister used in relation to a number of debates in the Chamber during the course of the last number of hours — "pernickety", "niggling", "small issue" when we were trying to differentiate from the rest. "Pernickety", "niggling", "small issue". As I said earlier to the Alliance Member for East Antrim: do not send a message to people who give best advice to those in the Chamber about how welfare should be shaped, how the economy should be shaped, how health should be shaped, or how any area of public policy should be shaped. Do not dismiss their advice as "pernickety", "niggling" and a "small issue" when people are differentiating themselves from other parties. When you make that comment about the SDLP, First Minister, you are making it about people of good authority who give good advice to the parties in this Chamber on how to take forward various public policies. You can say what you want about the SDLP, but you should not send that message to those who serve the people of Northern Ireland in many ways and for the betterment of those whom we represent.

Let me ask the First Minister this question: what was the announcement made yesterday by Apple in relation to a new data centre in Galway? It was an €850 million investment by Apple in Galway with 300 jobs. When the announcement was made, the economy Minister in the South said that they were:

"accelerating jobs growth in every region of the country."

That is what the Irish Government have done. They have recognised that, contrary to what the First Minister says, there is evidence that when foreign direct investment comes into a country, it goes where there are clusters of skills. One of the risks in relation to the devolution of corporation tax, which the SDLP supports in principle, is that we will not learn the lesson from the Republic of Ireland, the lesson corroborated by the Apple announcement yesterday, and that you will compound the regional imbalance that is already too acute and critical if you do not have what the Irish Government say, which is:

"accelerating jobs growth in every region of the country."

The evidence is that, internationally as well as nationally, FDI will go where the skills are, and in the context of Northern Ireland that is the greater Belfast area.

We need to learn from the South where, as part of their overall development of the economy,

they have invested in regional colleges and universities that are developing students with skills who can serve the needs of FDI. That is the lesson that you draw from yesterday's announcement — an €850 million investment in Athenry, outside Galway, because Galway has become a university town and one that is developing the skills and capacity that FDI companies want.

In our view, the First Minister is not fully correct to say that there is no evidence that FDI is going to come to any part of the country. It will go where there are skills clusters. If we do not anticipate that, and invest in other parts of Northern Ireland, not least in the city of Derry and at Magee campus, you will have, as a consequence of the welcome devolution of corporation tax, at least the risk of a further concentration of jobs in the greater Belfast area to the loss of the North.

12.00 midnight

The SDLP supports the devolution of corporation tax, but we have been absolutely right to put down questions and markers for when and how it will take place. What would happen if the people of Britain and Northern Ireland were to decide to exit the EU? What would the consequences be if that referendum were held in 2016 as opposed to 2017?

Mr P Robinson: Will the Member give way?

Mr Attwood: I will in a second.

How would that work itself through in the management of the economy in Northern Ireland? What if the Tories are re-elected and move towards reducing corporation tax further, down to 18%, 17% or 16%? How would that impact on a Northern Ireland corporation tax rate of 12.5%? How would Derry maximise the opportunities of the devolution of corporation tax without the necessary infrastructure, such as a road from Dungiven to Derry, when best advice, including from the chamber of commerce in the city of Derry, says that the future of Derry is the university and its infrastructure and that that would be the game changer for its citizens?

So we are saying, in relation to corporation tax

Mr P Robinson: The Member was going to give way.

Mr Attwood: I will give way in a second.

On corporation tax, are these not the right questions to ask? What happens in the event of EU withdrawal? What are the consequences of a general reduction in corporation tax in Britain? How will we mitigate the potential for regional imbalance? How will we ensure that the infrastructure across Northern Ireland is what is necessary to attract and sustain FDI? Those are valid questions, and we would be negligent as parliamentarians, and as a political party, if we did not ask them in the context of the principle of the devolution of corporation tax and its timing and agreed rate.

I will give way to the First Minister.

Mr P Robinson: I am grateful. I should have asked to intervene earlier when he was suggesting that there was some difference between us over corporation tax and where FDI goes. I agree with him: FDI will go wherever a company wants it to go, based on whether the skills and a sufficient number of people to be employed are there. That issue relates not to corporation tax but to the infrastructure more generally around Northern Ireland and whether the necessary skills exist in each area, and, in that regard, Magee and other issues come into play. So we are not in a different place on that issue, although he might think that we are.

When he asks what would happen if the United Kingdom was to come out of the European Union, I hope that he is not suggesting that we should put off taking a decision on the level of corporation tax until after the negotiations in Europe and the subsequent referendum. If we wait that long, we will have wasted at least a year of the free time that we have before the introduction of corporation tax.

My answer to the second question about what would happen if the United Kingdom was to decide to reduce its level of corporation tax from 20% to 18% or 16% is that that would be tremendous, and I hope that it does. That would reduce the gap and would, therefore, reduce the cost to our block grant.

Mr Attwood: I thank the First Minister for that intervention because I think that everything he said corroborates the fact that the questions that we have raised, which were raised by the leader at the leaders' meeting yesterday and, as I understand it, at the Executive by Minister Mark H Durkan in his submissions on the corporation tax papers from DFP, are the right ones to be asked and the right ones to be answered.

It suggests to me that, given that the First Minister has just said that he agrees with us

that these are all legitimate questions, to portray what we are saying as pernickety, niggling and small issues, indicates some conflict and tension between what the First Minister said earlier and what he said in the last couple of minutes.

So, no, we should not put off the decision on corporation tax, but we should not ignore the events that could conspire to create difficulties for the economy of Northern Ireland and of these islands.

Mrs Foster: Will the Member give way?

Mr Attwood: I will in a second. Remember that it is about the economy of these islands. If you speak to the Irish Government, they will tell you that one of their biggest preoccupations at the moment, and rightly so, is the consequences for the Irish economy in the event that Britain and Northern Ireland withdraw from the EU, given the trading relationship and the big trading partnership between Dublin and London.

Mr Deputy Speaker (Mr Beggs): Order. I ask the Member to return to the Bill rather than talking about whether or not the United Kingdom should remain in Europe. I ask the Member to continue on the Bill.

Mr Attwood: I will take your direction. In relation to the Budget Bill, the First Minister made some comments about what he believes, it seems, that I said about FDI and the greater Belfast area. Let me be very clear about what I have said to various Ministers in the Executive and in a conversation with my colleagues in the SDLP. I said that it is always welcome when jobs come to Belfast. Anybody who denies that is denying a self-evident truth. Any jobs that come to Belfast are welcome, but we have to recognise that the FDI jobs coming to Belfast are concentrated in the Queen's Island/Titanic/Harbour Commission corridor. That is a fact. You have only to look at the suitable accommodation that has been or is being built in the harbour estate to confirm that the businesses that are coming into the city are, for very good reasons, going to those areas. Just as the regional imbalance in economic development in Northern Ireland could be compounded if we do not manage corporation tax properly, there is a regional imbalance in the greater Belfast area.

Earlier, in response to comments made by Mr Allister, I read into the record the profile of need in west Belfast. The reality is that you can help to address that profile of need, for which there

are multiple indicators, if you locate jobs in that area.

Mrs Foster: Will the Member give way?

Mr Attwood: I will. Before I give way to the Minister, I ask her to corroborate this: Delta Print and Packaging, which is one of our premium businesses and main exporters, now employs 265 people and is about to open a business in Poland and businesses in China. There are areas in other parts of the city, not just the south and east, where there are opportunities to invest and build suitable accommodation for FDI. Terry Cross, and his company, Delta Print and Packaging, confirms what can be done. That is why we had a conversation with the Minister of Enterprise, Trade and Investment about protecting land in west Belfast, particularly the Visteon land. We want to ensure that there are industrial opportunities in the future rather than all the land of west Belfast being used for social housing and other housing development.

There is a strategic issue that we have to face up to. The city is regenerating itself through McAleer and Rushe building suitable accommodation for FDI, which is welcome, and the harbour is regenerating itself because the Harbour Commission has the means to draw down moneys to build suitable accommodation for FDI, of which there is likely to be more in the future. So, does it not follow that similar investments in north and west Belfast, given its profile of need, in order to lift those areas and help people out of the poverty that they have experienced for generations and right up until this day —

Mr McKinney: Will the Member give way?

Mr Attwood: I will in a moment.

Is it not a valid argument to make that, in addition to investment in south and east Belfast, you have to take forward investment opportunities in north and west Belfast? Why? It will lift the place, regenerate it and deal with the decades of disadvantage and alienation that are all too evident.

Mrs Foster: I thank the Member for eventually giving way. It is not just about bringing new jobs to places that have significant difficulties, such as west Belfast. He will recognise that there is a need to go much deeper and deal with the underlying issues that present themselves in areas such as west Belfast. That is why the Minister for Employment and Learning and I have brought forward to the

Executive an economic inactivity strategy to deal with the key underlying problems. His colleague in Londonderry will tell him that we have engaged very well on what we are trying to do. He will know that we have set up an Executive subcommittee to deal with regional opportunities. I do not like regional disadvantages; we need to look for regional opportunities. In that city, we are also looking at Digital Derry — yes, I did use the word because that is what it is called. We are dealing with those much wider issues. Is the glass half full or half empty? I prefer to see the glass as being half full, to view it in a positive way and to move forward. I hope that the Member will move forward with us to seek new jobs for those areas.

Mr Attwood: I do not mind whether you call it Digital Derry or Digital Londonderry. I am relaxed. If you want to rename it, I will not have any issue, and I do not think that our party will have any issue. The answer, of course, to your question about whether the glass is half full or half empty is that the glass — *[Interruption.]* Well, it is not in the Budget. The glass should be full.

I note all the initiatives that you referred to, and I do not discount, deny or diminish those good interventions in any shape or form. Ministers cannot, however, deny that there is an opportunity to regenerate areas of need with industrial lands, be it Strabane or somewhere else. I remember Mr McElduff asking a question of the Enterprise Minister about protecting land zoned in his constituency, and, on the back of that, I asked the same question about my constituency. Can the Minister not develop a strategy to bring FDI and other potential investors and employers to areas of disadvantage? Given the multiple reasons for disadvantage, the key to regeneration and the undoing of deprivation is jobs investment and factories. That is what the Southern strategy tells us. You spread it; you do not concentrate it. In the SDLP's view, that is part of the conversation about corporation tax.

Mr McKinney: I thank the Member for giving way. The Member will recall that the First Minister and others in the Chamber laboured at great length the cost to the health service. Is it not true that the cost to the health service is partly because of long-term unemployment and deprivation and that investing in those areas sub-subregionally would make a difference to the overall bill?

Mr Attwood: Of course I agree with that. Indeed, in response to Mr Allister's narrow-

mindful approach, I read into the record the health profile of my constituency of West Belfast, which includes the Shankill and extends to Lagmore. The profile of my constituency for coronary heart disease, diabetes, pulmonary disease and mental health is, if I recall correctly, the worst or second-worst in Northern Ireland. In those circumstances, the strategy for dealing with health issues involves dealing with job issues, and part of the strategy for dealing with job issues is saying that, if land is zoned for industrial use, and if business can go into the harbour estate and south and east Belfast, welcome as that is, the same applies to my constituency and all other areas of disadvantage in Northern Ireland.

I very much welcome, therefore, the intervention of the Member for East Belfast, which has crystallised some of the discussions that we need to have. However, let me tell Mr Robinson this: the SDLP will argue these issues from the basis that we have outlined tonight, and we will not just make an argument and accept that the bigger parties will prevail.

That is not the democracy we believe in, and that is not the approach we will adopt.

12.15 am

Mr Deputy Speaker (Mr Beggs): Now, Members, I call the Minister of Finance and Personnel, Mr Simon Hamilton —

Some Members: Hear, hear.

Mr Deputy Speaker (Mr Beggs): — to conclude and wind on the Final Stage of the Budget Bill.

Mr Hamilton: I welcome so many Members to the House for the debate. I suspect that it is not in anticipation of my contribution but because of the fact that, at 12.15 am in Parliament Buildings, there is little better to do than coming into the Chamber and listening to whomever is speaking, although the last contribution probably rendered that useless.

I thank most of the Members who took time to contribute to the Final Stage debate of the Budget Bill today — this morning. Members, in their own inimitable style in many cases, sought to add to the debate that we have been having over the last number of weeks. I welcome those who brought up relevant issues — I stress the word "relevant" — during today's proceedings. There will always be some who will seek to use Budget Bill debates as a platform for issues that have tenuous links to

the Bill that is before us, but I welcome all inputs that are made to the debate.

I appreciate that Members will not want me to respond to all issues; I have no intention of doing so. I thank the Committee for Finance and Personnel, particularly the Chair, Mr McKay, for its assistance in granting accelerated passage to the Bill through the Assembly. The support of the Committee will enable the Bill to receive Royal Assent, House permitting, by 31 March and allow a smooth continuation of public services into the new financial year.

I will turn to some of the issues raised by Members. Dominic Bradley spoke at length about corporation tax. He started with the intention of keeping his contribution short, and I think he culled a lot of the stuff that he wanted to say. He talked about corporation tax, which sparked a longer debate than perhaps he or I anticipated this evening, or this morning. I echo the First Minister's comments pleading with the SDLP to be careful with its language around the issue. That is not to say that they should not raise issues — there are proper fora for those issues to be raised in — but they must be careful about the language they use. I reiterate the point that the First Minister made: a lot of what we do from here on — I am sure that the economy Minister will affirm this — is as much a sales job as anything else. It is critically important that the language, tone and message coming from the House is one, is united and is clearly in favour of what we seek to do and what we have fought long and hard for in respect of the ability to reduce corporation tax in Northern Ireland and reap the benefits that that will bring. I hope that the SDLP is more faithful on corporation tax than it was on the deal it did on welfare reform.

Nobody understands better than me, in my position, that there will be public spending concerns. Those concerns have been raised by many Members in the House. We know that one certainty around corporation tax is that it will come at a cost to our block grant. Several factors are changing that situation on an ongoing basis, and they are worth bearing in mind. The first is the fact — this has been confirmed by Treasury — that there will be a stepping-in of the cost to Northern Ireland so that it is much more affordable in early years than perhaps we anticipated. It was a point made by the First Minister at Question Time a week or so ago.

I understand the concerns around public spending, but the public spending situation and settlement for future years is not yet known. As

I said in the debate yesterday — I think that Mr Bradley was in the House for most of it — we watch and listen with interest to Conservative and Labour spokespeople trying to outdo and outbid each other in what they wish to protect, whether it is health or education, in real or cash terms. The benefit of all that to Northern Ireland is that, because we spend so much of our Budget — some 65% — on health and education, whilst we will still endure spending reductions, they will be much less than perhaps we feared. The fear that we had of having, perhaps, 13% real-terms reductions in public spending in Northern Ireland is very quickly dissipating as each of the two main parties tries to outdo the other in a bidding war in advance of the general election.

The third factor that has to be considered in and around public spending concerns and corporation tax has to do with exactly what savings we reap from a voluntary exit scheme. By the time the powers will be devolved and the costs will be coming in, we will be well through our voluntary exit scheme; in fact, we will be into its third year. We anticipate it to be making considerable savings by that time that will ease the burden of the cost.

It is something that we have striven hard to secure. Its benefits are almost universally agreed in the House and further afield, with 37,500 net new jobs being the latest estimate and over 10% growth in the economy in Northern Ireland by 2030. It is important that all the parties in the Executive agree a rate and a date and give not just Invest Northern Ireland but those who wish to invest in Northern Ireland the certainty that they need on corporation tax.

I also want to pick up on the points made about regional imbalance: absolutely no evidence at all has been presented. A lot of work has been done on corporation tax and its effects, and there is no evidence that devolving corporation tax would distort the economy further or affect negatively the regional imbalances that, we accept, exist. A lower rate of corporation tax will, of course, be open to all businesses in Northern Ireland, and it could present a needed shot in the arm to businesses in the north-west, the west, the south-west or wherever they may be.

The Member represents a part of Northern Ireland that is not in the greater Belfast area; he represents the Newry area. From the visits that I have made to the area in my job as Finance Minister I know that it is one of the more impressive places in Northern Ireland for the indigenous companies that have grown in that city, many of which will be able to avail

themselves of a lower rate of corporation tax. The example of Newry is one that he, perhaps, should sell to his party colleagues who represent other parts of Northern Ireland. What has been done in Newry over the last number of decades as a result of the hard work of entrepreneurs is something that I admire. It is something that, perhaps, those in the north-west in particular would learn a lot from if they followed that example.

Mrs Foster: Will the Minister give way?

Mr Hamilton: Yes, I will.

Mrs Foster: Will the Minister also acknowledge that not only will we secure more jobs through the reduction of the corporation tax rate but there will be growth in the economy generally? In fact, commentators indicate that the economy generally will grow by at least 10%.

Mr Hamilton: I listened particularly to Mr Attwood's latter comments. The argument from the SDLP or, at least, from that quarter of the SDLP is that because it has some doubts or concerns — without any evidence — about how a lower rate of corporation tax may or may not impact on this or that part of Northern Ireland, the benefits to the whole of Northern Ireland should be denied to all the people of Northern Ireland.

My colleague the economy Minister is right to point out the latest evidence produced by the University of Ulster that suggests growth of over 10% in the economy in just over 10 years. That is not to be sniffed at, nor are 37,500 net new jobs in the whole of the economy. These are benefits and prizes that we should grasp very quickly, and we should decide on a rate and a date as soon as we can.

We should not be surprised, I suppose, by the confusion in the SDLP ranks when we have a Member for West Belfast saying to the House that there should not be any more jobs in south and east Belfast. I am very proud of the record of DETI, Invest Northern Ireland and the economy Minister, who is, of course, as Mr McNarry told us, the only Minister doing her job in the Executive. *[Laughter.]* There was, perhaps, too much laughter there; we should move quickly on. We should be very proud of our record. Many Ministers, including the First Minister and the deputy First Minister, are going around Northern Ireland and selling it as a place in which to invest, which has attracted fantastic firms not just to south and east Belfast but to all parts of Northern Ireland. It is a record that we should be proud of. I wonder what Mr

McDonnell — he is in the Chamber, and he has had a tough week — would think of the calls from his party colleague to have no more investment in his constituency. I know that there are others seeking the Westminster seat who, I am sure, would be more than willing to stand up for South Belfast and investment in that constituency.

Mr Leslie Cree made far too many points for my pen to keep up with at this late hour. I will review Hansard and come back to him. He asked detailed and specific questions that should never be asked at 11.00 in the evening. He mentioned welfare reform penalties, which I think the First Minister adequately addressed in respect of when that might come back and the pro rata nature of all that. On the voluntary exit scheme, I reiterate to Mr Cree, as I have to others, that the objective is a pay bill reduction. He asked what the split would be between those who would leave under the voluntary exit scheme and how many posts would go as a result of a recruitment freeze and so on. We are yet to develop all that. The point is that the objective that has been agreed across the parties is 20,000 posts through a range of interventions, not just the voluntary exit scheme. Recruitment freezes and suppression of vacancies will obviously play a major part in achieving that aim.

I can certainly say with regard to the DARD project on wind energy that the Member would be far better taking that up with DARD than with me. I have no specific answers on that issue.

I will turn to Mr McNarry, who, unfortunately, is not here, and his riddle, which often sounded like a very difficult 11-plus question from my past. He kept talking about debating next year's Budget. This has been a problem throughout this stage and previous stages of the Bill. Had he taken any notice or been in the Chamber at any previous debates on the Budget Bill, he would perhaps have appreciated this more: we are not debating next year's Budget; we are debating the Budget of this current year and the Vote on Account for the start of next year. However, next year's Budget is one that backs health and education. It backs health by increasing its allocation by £204 million, an allocation that Mr McNarry voted against. It is a Budget that actually boosts support for the schools budget. There is £80 million more going to the schools budget, compared with the draft Budget position, an allocation that Mr McNarry opposed. He questions what the Budget for next year does for our economy and for unemployment. It is a Budget that has employment as one of its central pillars, underpinning the economic growth that we are enjoying in Northern Ireland.

It has seemingly not come to Mr McNarry's notice that unemployment in Northern Ireland has fallen to 5.7%. The claimant count has been down for 25 months in a row. That is a seemingly inconvenient fact for Mr McNarry, given the pre-written script that he was reading out.

The Member asked what the Budget does for hard-working families. He says that next year's Budget does nothing for them. Next year's Budget maintains household bills in Northern Ireland at the lowest levels in the whole of the United Kingdom. Household bills in Northern Ireland are at an average now of £812 per household compared with £1,433 in England, from where he now takes his marching orders. He accuses us of reckless spending. The insinuation of reckless spending suggests that the Executive are spending more money than they have in the past. Of course, the fact is that we have not breached our Budget in the past. We have never had to hand any money back to Treasury. We have never lost any money. Even with the very grave difficulties that we have had this year and having to have in-year reductions in spending, I believe that we are on course to ensure that we live within our Budget this year as well.

As the First Minister said, it is difficult for many of us on this side of the House and, I am sure, on other sides of the House to take a lecture about the Stormont House Agreement, shoddy deals and bad agreements from the man who was David Trimble's lieutenant throughout the Belfast Agreement and its implementation in the years thereafter. I also find it difficult to take lectures from a member of the United Kingdom Independence Party about public spending in Northern Ireland when his party's position is that it wants to see the Barnett formula, which is far from perfect but has served Northern Ireland well over the years, scrapped. Why? Because it wants to send more of our money to England. That is the stated position of the United Kingdom Independence Party on public spending.

Mr McCallister mentioned reform, as he has done frequently throughout the debate. To be fair, he has contributed, I think, at every stage of the debate on the Budget Bill, unlike some others who contributed this evening. He is right on some bits, but I take exception to others. He made the argument that all or many of the reforms that we are doing — perhaps I am going too far in saying this — are being done because they are being forced on us by the Conservative Party or Her Majesty's Government. That is not the case. On many of the reforms that we are taking forward,

particularly in shared services and digitisation, we have been doing them for some time and are in advance of what is happening in Great Britain.

There are some that we are less enthusiastic about having to do. That might include a voluntary exit scheme. This is not something that Westminster pushed us into, as the First Minister made clear. This was a proposal that the five Executive parties put to the Secretary of State, who sold it to the Prime Minister. It was an idea that came from us, not them.

12.30 am

He is right, and I made this point to him in a written answer that I think he got today, in that the voluntary exit scheme is:

"not a strategic workforce planning exercise".

Its objective is to reduce the pay bill. We have to do that in a sensitive way. We have to be mindful of the skills that we lose and those that we need to retain or build up. That work will continue on an ongoing basis.

When he attacks the voluntary exit scheme as he has done, he seems to do so from a position where he thinks that this is some sort of luxury and that we can choose not to do it. The First Minister eloquently set out how this was part of a broader economic reform and strategy that the Executive agreed to. However, we are not in the position to do anything other than to try as quickly as possible to reduce the pay bill in the public sector in Northern Ireland.

Mr McCallister: I am grateful to the Minister for giving way. He quoted some of his written answer to me, and I will give him some more of it:

"This is not a strategic workforce planning exercise and skills, performance and experience are not, therefore, selection criteria for the scheme."

My concern is how you manage that. I have constantly warned that I did not want this to turn into another Patten, where you end up having to use that large amount of money but will not end up with the pay bill reduction of half a billion pounds that you need to pay for it. Instead, you will end up with a brain drain or will bring people back in because you have lost the necessary expertise and experience. Those are my real concerns about this.

Mr Hamilton: I am glad he acknowledges that we will save, or that the aim is to save, around half a billion pounds from this and that it is not, as others say, that we are borrowing and there is no benefit from it. There is an important benefit at a time when public spending will remain under pressure.

If we had the luxury of more time, some of the issues that the Member raises would obviously be factored in in a much greater way. We do not have that luxury, however. The next financial year starts in a matter of weeks. Civil Service Departments alone have indicated the need to reduce their headcount by around 2,400 posts in one year to live within their budgets for next year and to prepare themselves for the years thereafter.

Making those sorts of reductions will be challenging and incredibly difficult, but we do not have the luxury of time that will allow us to sit around and look at things, very important issues though they are, and to let them get in the way of making the savings that Departments need to make.

I will move on to Alex Attwood's comments and the bit of a flight of fancy about Irish unity that he started with.

Mrs Foster: I missed that.

Mr Hamilton: You were fortunate. It was a bit of an attempt, I think, to distract from his shafting his party leader about having no jobs in South Belfast. It was an argument, of course, against West Belfast, which, strangely enough, is his constituency.

Are we on these Benches content to learn from the Irish Republic? Yes. Are we content to cooperate with the Irish Republic on areas of shared mutual interest? Absolutely. However, doing everything that the Republic of Ireland does? Absolutely not.

He spelt out a couple of areas — health and the economy. On health, there are lots of things that we can do. I admire and support what my colleague the Health Minister is taking forward on congenital heart disease and the cooperation on that on a North/South basis. There is also the radiotherapy unit at Altnagelvin, which some said that we should not have proceeded with. Those are practical, sensible manoeuvres on a way forward. North/South cooperation on health? Absolutely, we can do that.

What we do not want to see is a move in Northern Ireland to an Irish-style health service

where people have to pay between €40 and €60 to visit a GP. When we look across the border at some of the things that they do well in health, let us not kid ourselves that we want to do everything that they do here in Northern Ireland. Equally, in respect of the economy and public spending, I very much admire what the Republic of Ireland Government have done to quickly get to grips with the problems that they face. I and others in the Executive and this party have said to the Irish Government that we think they were absolutely right to do what they did. It was very difficult and challenging. It was difficult on their people and their country but we are seeing, in the way that their economy is improving, that it was worth doing and was absolutely necessary.

However, as he talks about the economy and employment in the South, he fails to talk about unemployment in the Irish Republic. We have an unemployment rate of 5·7%, which is falling and has fallen for 25 consecutive months. It is still too high and we need to continue to work at it. We need to reduce it further. It is now sitting at the UK average. As he talks about employment and what they are doing in the Irish Republic, he does not talk about unemployment there, which sits at 10·7%, a full five percentage points higher than it is here in Northern Ireland. I am happy, as are colleagues, to look at and learn from what the Irish Republic is doing to build its economy. Corporation tax is something that we have looked at incredibly closely, but we are not prepared to do everything that they did, because they have not got it right either. We are not going to take a lecture on Irish unity and how everything that they do is absolutely the right way to go about it.

In conclusion, I again thank Members for their contributions today — two days, actually. I have endeavoured to respond to as many issues as possible at this late hour, but there will always be some that I cannot respond to due to time constraints, not least Mr Cree's long list of issues. I will come back to him on those.

I conclude by once again highlighting the critical importance of obtaining the Assembly's agreement to the 2015 Budget Bill. Not only will it sanction final public expenditure plans for this financial year but it will ensure that our Departments have legal authority to spend in the first few months of 2015-16. That is critical to safeguard the smooth functioning and delivery of essential public services.

In the time that this debate has happened I have moved from my wife's birthday to my eldest son's birthday —

A Member: And Stephen Moutray's birthday.

Mr Hamilton: Stephen Moutray's birthday as well. Happy birthday. Given the degree of self-indulgence that there has been at times during the debate this evening, can I indulge the House by wishing Lewis a happy ninth birthday?

Some Members: Hear, hear.

Mr Hamilton: On that note, I commend to Members the 2015 Budget Bill.

Mr Attwood: On a point of order, Mr Speaker. I ask you to check the Hansard record of my earlier comments about investment in west Belfast and in south and east Belfast. You will see what the Hansard record says, as opposed to what other people claim was said.

Mr Deputy Speaker (Mr Beggs): The Member has put his point on the record. Before we proceed to the Question, I remind Members that, as this is the Budget Bill, cross-community support is required.

Question put.

The Assembly divided:

Ayes 58; Noes 21.

AYES

NATIONALIST:

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

UNIONIST:

Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Humphrey, Mr Irwin, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Moutray, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir.

OTHER:

Mr Dickson, Dr Farry.

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

NOES

NATIONALIST:

Mr Attwood, Mr D Bradley, Mr Eastwood, Mrs D Kelly, Dr McDonnell, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Ramsey, Mr Rogers.

UNIONIST:

Mr Cree, Mrs Dobson, Mr Elliott, Mr Gardiner, Mr Kinahan, Mr McCallister, Mr Nesbitt, Mrs Overend, Mr Swann.

OTHER:

Mr Agnew.

Tellers for the Noes: Mr D Bradley and Mr McKinney.

Total Votes 79 Total Ayes 58 [73.4%]

Nationalist Votes 37 Nationalist Ayes 26 [70.3%]

Unionist Votes 39 Unionist Ayes 30 [76.9%]

Other Votes 3 Other Ayes 2 [66.7%]

Question accordingly agreed to.

Resolved (with cross-community support):

That the Budget Bill [NIA Bill 45/11-16] do now pass.

Adjourned at 12.50 am.



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