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Assembly

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Sugden, Ms Claire (East Londonderry)
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Northern Ireland Assembly

Monday 30 November 2015

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

Members observed two minutes' silence.

Assembly Business

Standing Orders 10(2) to 10(4): Suspension

Mr Speaker: Thank you, Members. Sorry about the slight delay. We just had some amendments to make to the pack.

Mr Dickson: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 30 November 2015.

Mr Speaker: Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 10(2) to 10(4) be suspended for 30 November 2015.

Committee Membership

Mr Speaker: As with similar motions, this will be treated as a business motion and there will be no debate.

Resolved:

That Mr Danny Kennedy replace Mr Neil Somerville as a member of the Committee for Justice. — [Mr Swann.]

Mr Speaker: The next item on the Order Paper is another motion regarding Committee membership. As with similar motions, it will be treated as a business motion and there will be no debate.

Resolved:

That Ms Claire Hanna replace Mr Colum Eastwood as a member of the Committee for the Environment. — [Mrs McKeivitt.]

Ministerial Statement

Subregional Stadia Programme for Soccer

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): Go raibh maith agat, a Cheann Comhairle. It would be remiss of me not to start by congratulating Tyson Fury on becoming a world boxing champion. Comhghairdeas.

I am very pleased to announce the launch of the consultation on the subregional stadia programme for soccer. This Executive-agreed programme aims to meet the strategic needs of football. On 10 March 2011, the Executive endorsed an investment of circa £36 million to develop subregional football across the North of Ireland. It was agreed that this would be taken forward as a priority area of spend in the next CSR period. The Executive endorsement was based on input received from the sector in 2011 on potential actions needed to meet the strategic needs of football.

The consultation document has been developed to reflect priorities outlined in a draft paper prepared by the IFA in 2011. Today's launch takes into account those priorities, as well as subsequent needs that have emerged in soccer since then, by providing an opportunity over the next 12 weeks for everyone's input before the programme is finalised. To align the subregional programme for soccer consultation with priorities agreed by the Executive in 2011, the programme has been divided into five distinct strands.

Strand 1 is safe stadia. The purpose of this strand is to provide funding for safe stadia capable of hosting high-level competition matches with a capacity of circa 6,000 to 8,000 persons. Redevelopment of the Oval, in partnership with Glentoran Football Club, is proposed. A budget of circa £10 million will be made available for this strand.

Strand 2 relates to significant subregional stadia. The purpose of this strand is to provide subregional stadia that can sit at the hub of key communities. They would offer quality football and community facilities that bring revenues for the club tenants, making football in these areas more sustainable. This strand will be open only to venues designated under the Safety of Sports Grounds Order 2006. A challenge fund principle will apply to the allocation of funding. A budget of circa £17 million will be made available for this strand, with a maximum award of £3 million available per venue.

Strand 3 concerns IFA Championship clubs. The purpose of this strand is to provide funding to improve safety provision at soccer venues. Strand 3 will be open to all venues not designated under the Safety at Sports Grounds Order. A challenge fund principle will apply to the allocation of funding. A budget of circa £3 million will be made available for this strand, with a maximum award of £500,000 available per venue.

Strand 4 is the provision of a national training centre. The purpose of this strand is to provide funding towards the creation of a purpose-built flagship national training centre to support current talent and nurture future generations. A budget of circa £3 million will be made available for this strand.

Strand 5 is intermediate and junior football. The purpose of this strand is to provide funding, via targeted programmes in partnerships with local councils, schools and colleges, to deliver key sporting centres in local communities at an intermediate and junior level. A budget of circa £3 million will be made available for this strand.

The consultation document proposes that all applicant organisations must meet core criteria. Those include demonstrating ownership of the venue through freehold ownership or leasehold that provides a minimum of 10 or 21 years' security of tenure, depending on the scope of works or value of the award. Applicants must demonstrate that they are properly constituted by means of a constitution or memorandum and articles of association that provide for equality of opportunity, not-for-profit status, child protection and management input from users. Applicants must be viable and solvent. In the absence of operational viability, only applicants that can meet the security of tenure requirements will be deemed eligible. The venue must be located in the North of Ireland, and the project must, in the main, benefit the inhabitants of the North of Ireland. Applicant organisations must also meet specific eligibility criteria, depending on which strand of funding they apply for. Those relate to size and capacity, designation under safety at sports grounds legislation, partnership working arrangements and affiliation. So the applicant must be an IFA-affiliated club or non-IFA-affiliated club with grounds located in the North of Ireland that hosts NIFL, IFA, UEFA or League of Ireland fixtures.

In addition, for a project to be considered eligible, applicants must clearly demonstrate: the project is a capital one, which, for the purposes of this programme, is defined as expenditure associated with the purchase,

improvement, construction or creation of an asset and includes any costs directly incurred in that process; the project is fit for purpose, well designed and of high quality; the project is viable in the capital funding package required; the project is for the benefit of the soccer fraternity in the North of Ireland; the project will improve facility provision at soccer venues as per the IFA's 2011 draft facilities document; the applicant organisation has not committed itself by purchase, contract or other binding agreement before receiving an offer of award and permission to proceed from DCAL; and the project builds on existing resources and is in addition to existing or planned investment by statutory bodies or the owner of the facility. In addition, the project cannot be a replacement or upgrade to a project that has been funded through public-sector investment and is still within the economic lifespan of the asset, which is 21 years for buildings and 10 years for pitches.

I am opening a consultation on the proposed strands and levels of funding for the programme and on the needs that have emerged since 2011 that are not included in the IFA's 2011 proposals. All applicants to the programme should be aware that there will be a requirement for partnership funding. The programme will be assessed under challenge fund principles, with award recommendations based on available funding, eligibility and projects attaining a high assessment score.

The consultation documentation is available from today on the DCAL website. The consultation will run for twelve weeks from today, 30 November 2015, until 22 February 2016. In line with appropriate guidance, I sought comments from other Departments prior to the public consultation being launched. My officials will host four consultation events across the North of Ireland during that period, where stakeholders will have the opportunity to engage with departmental representatives in relation to the subregional stadia programme for soccer.

The consultation document will be made available in the form of an online survey, with additional formats available on request. The 12-week consultation will be widely publicised and open to everyone who wishes to respond. Opinions will be sought specifically from groups with a direct interest in the subregional programme for soccer as well as those on DCAL's list of consultees. DCAL's key stakeholders, including MLAs, councils and other interested parties, will be notified directly via email.

It is my aim to make the consultation on the subregional programme for soccer meaningful and inclusive so that all parties that are likely to be affected by, or have an interest in, the strategies have the opportunity to engage in developing the programme.

This is an excellent opportunity for those involved in soccer to develop their facilities as a means of improving the sustainability and viability of soccer at the subregional level. I am delighted that the programme will also contribute to promoting equality and tackling poverty and social exclusion.

I thank the House for this opportunity to update Members on these actions. I will keep the House informed of progress on the subregional stadia programme for soccer. Go raibh míle maith agat.

12.15 pm

Mr McCausland (The Chairperson of the Committee for Culture, Arts and Leisure):

The commitment of £36 million for subregional stadium development for football in Northern Ireland will be welcomed. There has been a recognition that the investment in football that has already been made has improved people's experience of going to matches and has drawn larger numbers to the grounds for games. The original intention, as stated in response to a question for written answer from my colleague Gordon Dunne back in the summer, was that there would be a 20-week consultation that would begin in early August and run through to December. We are virtually at the start of December and the consultation process has been reduced from 20 weeks to 12 weeks, similar to that for the arts and culture strategy. Will the Minister explain why there has been a delay and how — if the consultation is to run from 30 November to 22 February, and you then give a further four weeks for consideration of any submissions that there are to that — it would be possible to come to any decision that can go through the Executive before the end of the mandate?

Ms Ní Chuilín: I thank the Chair for his questions. As the Member will know — and it is the same response as the one I gave him last week in relation to the strategy for culture and arts — there was not an Executive meeting during the summer. Given that this is a key Programme for Government commitment, I felt that it was completely appropriate to consult Executive colleagues, which I have done. The consultation will run for 12 weeks. There will be a quick turnaround in looking at the responses

to prepare an application process, but this was always meant to go through in the next CSR period. Basically, I am making sure that everything is good to go for whoever comes after me and ensuring that everything that can be done has been done, that the consultation will be meaningful and inclusive and that the application process reflects the consultation period. It will be designed around the feedback and the consultation process. The next Minister will then just have to open the application process and make the award soon thereafter.

Ms McCorley: Go raibh maith agat. Cuirim fáilte roimh ráiteas an Aire. An dtig liom a fhiafraí den Aire faoin phróiseas iarratais? An dtig léi cur síos ar chuidiú do chlubanna ar mheas a dhéanamh ar na hiarratais, agus cad é mar a dhéanfar na cinntí? Will the Minister outline the assistance that will be given to clubs in the application process? How will applications be assessed, and how will decisions be made?

Ms Ní Chuilín: I thank the Member for her question. I am sure that she picked up some of what I outlined to the Chair. As soon as the consultation process has closed, the feedback will be brought into the Department. Actually, with feedback that we get along the way, we will try to start a draft application process. However, it will be finalised only when the consultation process has closed. The application forms and process will be tailored to suit that, and it will be open soon after. It will be for the new Department for Communities to give assistance to clubs, but we will have laid down a template of what we feel is necessary. I anticipate a lot of feedback as a result of this consultation. I believe that the feedback will be inclusive, coming particularly from the soccer family, and help to design and form any new application process.

Mrs McKevitt: Minister, I welcome your statement. I am relieved that the consultation exercise is finally under way, given that it is four-and-a-half years since the programme was endorsed. The statement does not include a time frame for the application process and the project selection process, yet I note that all projects must be completed by March 2018. Given that the consultation will end on 22 February, as the Minister has stated, and the Department will then need time to consider its response to the consultation responses, can the Minister advise whether the programme will be progressed any further prior to the end of the mandate? Does she think that any of the soccer clubs have missed an opportunity because of the delay in this announcement?

Ms Ní Chuilín: First of all, the subregional soccer programme was never due to start until the next mandate, so, while it was announced in March 2011, the conditionality was that it would be for the next CSR. Given the fact that we had an additional year added on to the mandate, I have started a lot of the preliminary works. The consultation will close on 22 February. Within a few weeks, the application process will be designed and, hopefully, open for people. In the time between the old mandate ending and the new mandate beginning, the Department will be able to work with clubs to help them with the application process, and it will be for the new Minister of Communities to make a decision, but the decisions will be made by the Department.

Mr Cree: I thank the Minister for her statement. Minister, you mentioned the effective dates. This strategy was first developed at the end of the last mandate. Since then, we have had the IFA's facilities strategy document of August 2012, which was, obviously, quite different from the 2011 situation. In your report, you talked about other factors that have emerged since 2011. Will you clarify the situation with regard to the Glentoran club and the IFA's new facilities strategy of 2012?

Ms Ní Chuilín: There are at least five questions there, but I will answer the Member as best I can. The IFA's facility management strategy was part of the Executive's decision and endorsement of 10 March 2011. That is why I have made it clear that needs have emerged since then. I know that the IFA has redrafted its needs since 2011. It will appreciate that other needs have emerged from clubs since then. We also now have the emergence of the 11 super-councils, which, hopefully, will have a role to play in this. That is a need that was not anticipated on 10 March 2011. I think, and I am sure the IFA will agree, that we have been as considerate as we possibly can be, beyond the Executive's agreement that was made in March 2011. We want to try to include as many opportunities for people to apply for this as possible. The decision on Glentoran was part of the 10 March 2011 decision. That is something that has been there for at least four years, if not more. Certainly, I know that the Member will welcome this consultation and encourage clubs in his constituency to feed into the consultation, if they feel they can.

Mr Lyttle: I declare an interest as a member of an amateur football club in Northern Ireland. I wholeheartedly welcome the football stadia funding programme for senior and junior football in Northern Ireland. I particularly

welcome the commitment to Glentoran Football Club. It is a real hub for sporting and community development, not only in east Belfast but for national youth training, particularly in intermediate and junior football. Does the Minister recognise that intermediate and junior football in particular are in real need of support due to the individual and community outcomes they achieve for groups in areas of particular high social need? Will she commit to ensuring that as many football clubs as possible are fully aware of the opportunities that this fund will create?

Ms Ní Chuilín: I thank the Member for his question. I certainly agree with most, if not all, of his sentiments, particularly with regard to intermediate and junior football. Within that, I assume he is including boys and girls, because there is a real problem with the representation of women, particularly in the three big sports. In fairness to them, they have gone to great lengths to ensure that there is better inclusion. The bigger clubs will see themselves in different strands of this, but all must have and demonstrate inclusiveness; they must demonstrate that they are reaching people who have not been reached in the past, not just for the purposes of the application but for the future. That will be strongly tested. Clubs in areas like east Belfast, and many others across the North that are sitting within indices of high deprivation, will have to demonstrate their inclusivity for investment like this and potential investment. They will need to ensure that they are going to provide opportunities for children and young people, and for older people, to become involved in sport and physical activity.

I will do my best to ensure that as many people as possible are not only aware of the consultation but have their say. I am encouraged that Members like you will do likewise.

Mr Dunne: I thank the Minister for her statement, which is somewhat overdue. With regard to strand 3, will the Minister indicate how she reckons that £3 million will be sufficient for championship clubs? I understand that up to 30 clubs could be looking for potential funding to a maximum of £500,000. How will that be sufficient in trying to address the long-standing funding issue? Clubs like Bangor Football Club have waited a long time for this announcement, yet there will be disappointment that possibly only six clubs will get something from the pot. Surely £3 million is insufficient in trying to address the IFA championship club problem.

Ms Ní Chuilín: I assume that the Member is not still playing for Bangor, because he would have had to declare an interest. As I said, this was the 2011 IFA facilities strategy. As I also clearly said, it is also looking at emerging needs that have occurred since then. It is up to the clubs. A lot of them will feel that the strand is not appropriate. In fact, I anticipate that £36 million is not enough to cover the needs. However, it is a substantial amount of money. If people have thoughts about the strands that are outlined as draft in the consultation, they need to put forward proposals that they think would better suit the soccer family. That is as open and transparent as you will get in any consultation.

Mr McMullan: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement. Who is responsible for the subregional programme: DCAL or the IFA?

Ms Ní Chuilín: The Department is primarily responsible for the consultation programme, although we work in a very strong partnership with the IFA. I am launching the consultation, taking responsibility for the process and designing the application process, which will leave the next Minister in a position to make decisions on who is successful as a result of the consultation.

Mr Hilditch: I declare an interest as a member of the IFA council. Wearing a number of hats, I welcome the statement and the substantial investment that is being announced today. There is, however, a bit of an anomaly whereby some championship clubs are designated grounds, and, vice versa, some clubs are playing in the premierships and are not designated grounds, which falls between the two. Potentially, Larne Football Club is an example of a championship club that is designated, and Warrenpoint Town Football Club is a premierships club that is not designated. Who will make that call? There is a grey area in the middle.

Ms Ní Chuilín: I was aware that that would be an issue before the consultation was launched, because, between the designation of grounds, and even for smaller clubs and the primacy rule, that issue has come up consistently. I have said to people — I take the opportunity to repeat it today — that, if they feel that this gap or confusion will disadvantage a group, geographical area or community, that needs to be said in the consultation. I believe not only that it should be said but that it should be pointed out exactly how people will be disadvantaged. I am not expecting people to

write the consultation for me, but I do expect to hear the opinions of soccer clubs and the challenges that they have experienced over the years. I believe that, within the soccer family, the consultation will be an opportunity for them to put down how they think that future needs can be met through this opportunity.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh an ráiteas fosta. I welcome the statement. I should declare an interest as a member of the GAA and an avid rugby fan. Are there any plans for a similar subregional programme for GAA and rugby facilities in the future?

Ms Ní Chuilín: The Member is on the Committee for Culture, Arts and Leisure, and he has certainly engaged with the three main sports. He would have heard that, along with the subregional programme for soccer, the IFA, the Ulster Council of the GAA and Ulster Rugby — the three sporting bodies — have asked for additional resources for subregional opportunities in the next mandate.

12.30 pm

Those discussions have started and, while we are launching the consultation on the subregional programme for soccer, as I have already said there is, most likely, not enough money to meet the needs of all. Those conversations between the three big sporting bodies and my Department have started, and I want the Member to know that I am encouraged by what I have heard thus far. It would seem that the direction of travel for the three big sports is not only looking at single facilities but at facilities that they can physically share and which will allow them to share skills and expertise. They are looking in particular at the inclusion of children and young people from deprived areas, those with disabilities, and women and girls in their sports.

Mr Humphrey: I thank the Minister for her statement. Northern Ireland is obviously a small country, and the development of elite players is essential. The Minister will know that the Northern Ireland senior team has qualified for the Euros next year, but the under-19s have also qualified for the elite section. Therefore, the establishment of a national training centre is a huge decision and an important development. Will the Minister assure the House that money will be divided across Northern Ireland on an equal basis, to ensure the development of facilities across Northern Ireland? Where should the national training centre be sited, and can she update the House on that issue?

Ms Ní Chuilín: It is far too premature for that. I launched the consultation this morning and you are already asking me to commit to a certain area; it is a bit silly. Putting that aside, I believe that there is an opportunity here. Some people feel that there is no need for a national training centre because Windsor Park has been developed, and others believe that there is a need for it and, if there is, it should be a, b, c or d. I am looking forward to everybody's opinion, not only on where facilities should be developed but on how much should be spent on them and all the rest.

The soccer community has been waiting for this consultation for a long time, and it knows and understands that it was something that would happen in the next mandate. I believe that, depending on the needs of certain clubs, we will certainly see the demand in the responses that come back, aligned to the comments and queries that have been raised around some of the draft strands thus far. This was 2011; the IFA has amended its facilities strategy since then, and it also appreciates that different needs have emerged. I anticipate that those will be reflected in the responses to the consultation.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom fáilte a chur roimh an ráiteas agus gabhaim buíochas leis an Aire as an ráiteas seo. I welcome both the statement and the fact that the Minister is here to present it, particularly in relation to the eligibility criteria. I note and welcome the fact that it is also going to allow for non-affiliated clubs, particularly those that play in the Football Association of Ireland (FAI) league, which would include Derry City, in my home town. Is the Minister of the view that Derry City, perhaps, is well placed to make a bid for this, given that the club plays in the Football Association of Ireland's league, and that the siting of the national training centre there in the future would be more than appropriate?

Ms Ní Chuilín: I am certainly not going to cite where any training centre should be located. The Member is right; part of the criteria for support through the subregional programme can be for NIFL, IFA, UEFA or Football Association of Ireland league fixtures, which includes the Brandywell. I look forward to and anticipate, from the Member's constituency but particularly for that geographical area, a lot of feedback into the consultation. If everybody who approached me any time I went up to that part of the town feeds back into this, I anticipate that the majority will come from Derry city, north Belfast, east Belfast and the rest.

Mr Lyons: I thank the Minister for her statement, which is very welcome. Will she provide some clarity for us? She mentioned that all applicants to the programme should be aware that there will be a requirement for partnership funding. At what level will that be? After the consultation closes on 22 February, how soon will the funding become available? Can the same club apply to different strands?

Ms Ní Chuilín: First, the partnership funding depends on which strand they apply for. If they decide that some of these strands do not meet their needs, they should, as part of the consultation process, say so. They should say what their needs are and where they think additional strands need to be included.

As I have mentioned a few times, the consultation closes on 22 February, and it will take us a few weeks to gather up all of the responses to help us to design an application process. Once that process has been designed, there will be an open call, and I anticipate that it will last several weeks, which will take us into the next mandate. Maybe the Member has some suggestions or is working with clubs that feel that they meet one criterion but not another, and their partner meets one criterion but not another. It is down to individual clubs to make their case for partnership funding. I have left it open enough so that, although this is the 2011 draft facilities strategy from the IFA, it has been very consistent in saying that the needs that have emerged since then should be reflected in the consultation.

Mr Allister: The Minister has been very dogmatic when it comes to the sport of boxing that, to benefit from funding, you must be affiliated to a specific and sole governing body, yet, when it comes to football, there is no requirement for affiliation to the IFA. Why is there that distinction and bias? Is it so that the Brandywell can qualify?

Ms Ní Chuilín: The Member is credited with being extremely intelligent, and he is also given credit for having the ability to scrutinise things, so I assume that he has done that and just does not like the answers that he is getting. Boxing needs to be affiliated to a governing body on receipt of a letter of offer. If there is not a governing body that the Member feels recognises his cause, he should support the boxers — end of story. If he has not read the statement, I can highlight the following for him and put it in his pigeonhole. It says:

"the applicant must be an IFA affiliated club or non IFA affiliated club with grounds

located in the north of Ireland and who host either: NIFL, IFA, UEFA or Football League of Ireland fixtures."

I have read that into the record. I can highlight the statement, and I can highlight the Hansard report, and he can do what he likes after that. *[Interruption.]*

Mr Speaker: Order. I am not going to have that barracking. Questions are asked and answered, and Members should listen to both.

Mr B McCrea: I understand that this announcement comes from a decision by the Executive on 10 March 2011. That is some time ago, and a lot has changed since, not least our financial position. Has the Minister had cause to bring this issue back to the Executive to ask them whether they are sure that, in light of other priorities, we really ought to be investing £36 million in this venture?

Ms Ní Chuilín: As the Member will be aware, the Programme for Government commitment on developing the three stadia as well as the subregional programme still stands. Prior to this consultation being launched today, I copied my Executive colleagues into correspondence to let them know that that is the case. I have had no feedback from anyone to suggest that this is not value for money.

I am aware that the Member has raised concerns, particularly about the private sector construction and all the rest. These stadia, these grounds and this investment will provide local employment, which is really needed, as well as sustainability for those communities, during and post construction. The Executive are very clear and very specific about that. We should try to avail ourselves of any investment, particularly capital investment, where there are opportunities to provide social benefits and social clauses during and post construction. I believe that that is the case.

The decision was made in 2011, and things have changed since. In fairness to the IFA, it has tried to adapt its draft facilities strategy in line with emerging needs. The question that you are asking me is one for the Executive, and I believe that I have given you an answer as best I possibly can.

Mr G Robinson: Would teams such as Limavady United and Coleraine Football Club be eligible to apply for some of the funding to upgrade their grounds?

Ms Ní Chuilín: As I said to other Members, the consultation is open. If Limavady or Coleraine believe that they should be able to apply for the funding when it becomes available, they need to say that in the consultation. They also need to make any points or comments in the consultation to strengthen not just the case for geographical clubs — and there are many — but to future-proof the development of soccer in all areas across the North. I encourage the Member to ensure that those clubs not only take part in the consultation but demonstrate how they will meet the needs of young boys and young girls and people with abilities and non-abilities in any future proposal or application because it is really important that we get feedback.

Mr Speaker: That concludes questions on the statement.

Executive Committee Business

Departments Bill: First Stage

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister): I beg to introduce the Departments Bill [NIA 70/11-16], which is a Bill to rename the Office of the First Minister and deputy First Minister, the Department of Agriculture and Rural Development, the Department of Enterprise, Trade and Investment, the Department of Finance and Personnel, the Department of Health, Social Services and Public Safety, the Department for Regional Development and the Department for Social Development; to dissolve the Department of Culture, Arts and Leisure, the Department of the Environment and the Department for Employment and Learning; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Addressing Bullying in Schools Bill: First Stage

Mr O'Dowd (The Minister of Education): I beg to introduce the Addressing Bullying in Schools Bill [NIA 71/11-16], which is a Bill to address bullying in grant-aided schools.

Bill passed First Stage and ordered to be printed.

Health (Miscellaneous Provisions) Bill: First Stage

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I beg to introduce the Health (Miscellaneous Provisions) Bill) [NIA 72/11-16], which is a Bill to regulate the sale of nicotine products and tobacco, to amend the Health and Personal Social Services (Northern Ireland) Order 1972 and the Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 in relation to the provision of health care; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Food Hygiene Rating Bill: Further Consideration Stage

Mr Speaker: I call the Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, to move the Further Consideration Stage of the Food Hygiene Rating Bill.

Moved. — [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Speaker: One amendment has been tabled. Members will have received a copy of the Marshalled List of Amendments, which provides details of the amendment and the groupings list. The amendment delineates the instructions for communication, which are technical in nature. I remind Members intending to speak that they should address their comments only to the amendment. If that is clear, we shall proceed.

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I beg to move the following amendment: In page 11, line 33, at end insert

"(3) A notification under section 2, 3 or 4 may, without prejudice to any method of service authorised under section 24 of the Interpretation Act (Northern Ireland) 1954, be sent by ordinary post; and accordingly, unless the contrary is proved, a notification sent by ordinary post is to be treated as received on the day on which it would have been delivered in the ordinary course of post (with references in this Act to when a notification, or something with it, is received being read in light of this subsection)."— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

The proposed amendment is a purely technical one that relates to clause 17. Through engagement with district council officers, who will be responsible for implementing and enforcing the provisions of the Bill, an issue was identified with regard to clause 3(4), which has the potential to cause district councils operational difficulties in the effective and efficient operation of the scheme.

The issue relates to a food business operator receiving a notification of a rating under clause 2, which is deemed to have taken place when the conditions in section 24(1) of the Interpretation Act (Northern Ireland) 1954 are fulfilled. However, it has been established that it would be open for a food business operator to argue that the reference in clause 3(4) to when the notification is received more naturally

suggests actual receipt and, therefore, raises a contrary intention sufficient to disapply section 24(1) of the Interpretation Act (Northern Ireland) 1954.

12.45 pm

It has also been noted that section 24 of the Interpretation Act would require the notification of a rating to be sent by registered post, which would not be a practical or cost-effective method for district councils to adopt. The issue has been addressed by proposing this amendment to clause 17, which is entitled 'Interpretation' and provides clarification on notification. I trust that Members will appreciate the need for the amendment and will understand that, from an operational perspective, it makes good sense. I ask them to give their support to the amendment.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a Cheann Comhairle. As the Minister outlined, an issue was identified with clause 3(4), which had the potential to cause district councils some operational difficulties in operating the food hygiene rating scheme. The Minister wrote to the Committee on 7 September advising members of the issue and of his intention to address it through an amendment at Further Consideration Stage. The Committee considered the proposed amendment at its meeting on 16 September. Given that, as the Minister outlined, it was a technical amendment that had no effect on the policy and would ultimately result in the more effective and efficient running of the scheme, the Committee agreed to note the proposed amendment.

Mrs Dobson: The Ulster Unionist Party supports the amendment tabled by the Minister. It is timely that the Bill is progressing to the next stage only days after the Deputy Minister for Health in Wales described the system there as a "big success". That is perhaps another example of the Welsh leading the way on public health amongst the regions. I will leave that for Members' consideration.

In the two years since the Welsh legislation came into place, the share of food outlets getting the top, five-star rating has risen from 45% to just over 60%. The ratio of firms rated satisfactory or better rose from 87% to over 94%, and the number of outlets with a zero rating halved from 134 to 61, which is around one in 500. Overall, it has succeeded in driving up standards in restaurants and takeaways, and I have every hope that our Bill will do the

same. It will give greater confidence to consumers and drive up food hygiene standards at outlets across Northern Ireland at the same time. This is one of those Bills that, along with minor changes such as today's amendment, will be able to deliver obvious benefits to consumers.

Mr McCarthy: As a member of the Health Committee, I rise to support the amendment before us today. I welcome the Food Hygiene Rating Bill as a means whereby our population can have confidence when visiting all our food providers, cafes, restaurants and eateries of every description. Northern Ireland is renowned for the provision of excellent food, and I have no doubt that that will continue with the introduction of this Bill.

Our Committee visited premises that supply food to the public, and I was very impressed with all the visits, none more so than the visit to our very own Blue Flax restaurant. I congratulate the manager and his staff for the excellent manner in which they carry out their work.

The district councils' environmental health officers carry out a very important and essential role, and the amendment and the Bill are very welcome. On behalf of the Alliance Party, I support the Bill.

Mr Hamilton: I thank the Members who contributed very briefly to the debate. In particular, I thank the Committee and the Chair for accepting the amendment and for the support that has been shown. As I indicated previously, the reason for the amendment is to provide clarification on notification under the provisions of the Bill, which will facilitate district councils in effectively and efficiently implementing the food hygiene rating scheme. I ask Members to support the amendment.

Amendment agreed to.

Mr Speaker: That concludes the Further Consideration Stage of the Food Hygiene Rating Bill. The Bill stands referred to the Speaker.

We will take our ease for a moment because I think that we are expecting at least one Member. You will not get it much easier than that, Minister.

Committee Business

Public Services Ombudsperson Bill: Further Consideration Stage

Mr Speaker: I call the Chairperson of the Committee for the Office of the First Minister and deputy First Minister to move the Further Consideration Stage of the Public Services Ombudsperson Bill.

Moved.—[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

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 three groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on the amendments relating to changing the title of "Ombudsperson" to "Ombudsman".

The next debate will be on the amendments in group 2, which deal with procedures, including commencement, reporting and privilege, and technical changes required to the Bill. The third debate will be on amendment Nos 31, 51, 75, 89, 91 and 305, which deal with the powers and ambit of the ombudsperson.

Members intending to speak 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.

If all of that is clear, we shall proceed.

Clause 1 (The Northern Ireland Public Services Ombudsperson)

Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill): I beg to move amendment No. 1: In page 1, line 5, leave out "Ombudsperson" and insert "Ombudsman".

The following amendments stood on the Marshalled List:

No 2: In page 1, line 6, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc

*Committee on the Public Services
Ombudsperson Bill).*]

No 3: In page 1, line 8, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 4: In clause 2, page 1, line 10, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 5: In clause 2, page 2, line 2, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 6: In clause 2, page 2, line 5, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 7: In clause 2, page 2, line 7, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 8: In clause 3, page 2, line 11, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 9: In clause 3, page 2, line 14, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 10: In clause 3, page 2, line 19, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 11: In clause 4, page 2, line 28, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 13: In clause 5, page 2, line 34, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc

*Committee on the Public Services
Ombudsperson Bill).*]

No 14: In clause 6, page 3, line 10, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 15: In clause 7, page 3, line 28, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 16: In clause 7, page 3, line 31, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 17: In clause 7, page 3, line 33, leave out first "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 18: In clause 7, page 3, line 33, leave out second "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 19: In clause 8, page 3, line 39, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 20: In clause 8, page 4, line 7, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 22: In clause 9, page 4, line 16, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 23: In clause 9, page 4, line 19, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 24: In clause 10, page 4, line 21, leave out first "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The

Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 25: In clause 10, page 4, line 21, leave out second "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 26: In clause 10, page 4, line 24, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 27: In clause 11, page 4, line 32, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 30: In clause 12, page 5, line 33, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 32: In clause 14, page 6, line 9, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 33: In clause 15, page 6, line 19, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 34: In clause 16, page 6, line 28, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 37: In clause 17, page 7, line 11, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 39: In clause 18, page 7, line 28, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 41: In clause 18, page 7, line 33, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc*

Committee on the Public Services Ombudsperson Bill).]

No 42: In clause 18, page 7, line 35, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 45: In clause 20, page 8, line 18, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 46: In clause 21, page 8, line 29, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 47: In clause 21, page 8, line 39, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 48: In clause 21, page 8, line 41, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 49: In clause 21, page 9, line 5, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 50: In clause 22, page 9, line 8, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 53: In clause 23, page 9, line 15, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 54: In clause 24, page 9, line 24, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 55: In clause 24, page 9, line 27, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc*

*Committee on the Public Services
Ombudsperson Bill).]*

No 77: In clause 30, page 11, line 34, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 78: In clause 30, page 11, line 36, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 79: In clause 30, page 11, line 38, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 80: In clause 31, page 12, line 7, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 81: In clause 31, page 12, line 13, leave out "Ombudsperson's" and insert "Ombudsman's".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

No 82: In clause 31, page 12, line 15, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 83: In clause 31, page 12, line 20, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 84: In clause 31, page 12, line 22, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 85: In clause 33, page 13, line 3, leave out first "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

No 86: In clause 33, page 13, line 3, leave out second "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The*

*Chairperson of the Ad Hoc Committee on the
Public Services Ombudsperson Bill).]*

No 88: In clause 33, page 13, line 8, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 90: In clause 34, page 13, line 26, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 92: In clause 35, page 13, line 34, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 93: In clause 35, page 13, line 39, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 94: In clause 35, page 14, line 1, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 95: In clause 35, page 14, line 2, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 96: In clause 35, page 14, line 5, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 97: In clause 35, page 14, line 6, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 98: In clause 35, page 14, line 8, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 99: In clause 37, page 14, line 23, leave out "Ombudsperson" and insert "Ombudsman".—
[Lord Morrow (The Chairperson of the Ad Hoc

Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 165: In clause 51, page 20, line 19, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 166: In clause 51, page 20, line 22, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 167: In clause 51, page 20, line 23, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 168: In clause 52, page 21, line 15, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 169: In clause 54, page 22, line 13, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 170: In clause 54, page 22, line 18, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 172: In clause 54, page 22, line 26, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 174: In clause 55, page 22, line 41, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 175: In clause 56, page 23, line 2, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 176: In clause 57, page 23, line 7, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc*

Committee on the Public Services Ombudsperson Bill).]

No 177: In clause 57, page 23, line 10, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 178: In clause 58, page 23, line 20, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 179: In clause 58, page 23, line 23, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 180: In clause 59, page 24, line 19, leave out first "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 181: In clause 59, page 24, line 19, leave out second "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 187: In clause 66, page 26, line 15, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 188: In schedule 1, page 27, line 7, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 189: In schedule 1, page 27, line 8, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 190: In schedule 1, page 27, line 11, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 191: In schedule 1, page 27, line 13, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The*

Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 275: In schedule 2, page 35, line 12, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 276: In schedule 2, page 35, line 13, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 277: In schedule 2, page 35, line 32, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 281: In schedule 2, page 36, line 14, leave out first "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 282: In schedule 2, page 36, line 14, leave out second "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 287: In schedule 5, page 40, line 23, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 290: In schedule 5, page 40, line 33, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 291: In schedule 6, page 41, line 12, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 292: In schedule 6, page 41, line 13, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 293: In schedule 6, page 42, line 9, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The*

Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 297: In schedule 7, page 44, line 39, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 299: In schedule 7, page 45, line 10, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 300: In schedule 7, page 45, line 16, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 301: In schedule 7, page 45, line 25, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 302: In schedule 7, page 45, line 30, leave out "ombudspersons" and insert "ombudsmen".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 303: In schedule 7, page 45, line 36, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 304: In schedule 7, page 45, line 40, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 306: In schedule 7, page 45, line 42, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 307: In schedule 7, page 46, line 5, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

No 308: In schedule 7, page 46, line 8, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The*

Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 309: In schedule 8, page 46, line 17, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

No 310: In schedule 8, page 46, line 21, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

No 311: In schedule 8, page 46, line 25, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

No 312: In schedule 8, page 46, line 27, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

No 313: In schedule 8, page 46, line 32, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

No 315: In schedule 8, page 46, line 38, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

No 317: In schedule 8, page 47, line 5, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

No 319: In schedule 8, page 47, line 11, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

No 320: In schedule 8, page 47, line 13, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

No 321: In schedule 8, page 47, line 20, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The*

Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

No 322: In schedule 8, page 47, line 23, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

No 323: In schedule 8, page 47, line 27, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

No 325: In schedule 8, page 47, line 31, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Lord Morrow: Although we have 275 amendments to debate in group 1, I do not intend to detain the House too long on this matter. The amendments all relate to a change in the title of the new office from "ombudsperson" to "ombudsman". The Ad Hoc Committee considered the use of the term "ombudsperson" in the Bill and noted that it was the intention of the Committee for OFMDFM that the name should be unambiguously gender-neutral. The Ad Hoc Committee received evidence from the International Ombudsman Institute, the International Ombudsman Association, and the Welsh and Irish Ombudsmen that the term "ombudsman" was already gender-neutral. The word is of Scandinavian origin, and its original meaning in Swedish is "representative". We received a research paper on the etymology of the term. We were advised that "ombudsman" was a trusted and recognised brand and that to change the title could cause confusion among the public.

The Committee for OFMDFM was content with our suggestion that the title of the office should be "ombudsman". Therefore, at Consideration Stage, the Ad Hoc Committee brought forward amendments to the first instance of the term in the Bill — that is, in clause 1 — and to the short and long titles. At the time, I said that, depending on the outcome of that stage, it was the Committee's intention to table amendments at Further Consideration Stage to the other affected clauses. The Assembly clearly indicated at Consideration Stage that it was content to have the title "ombudsman", so the Ad Hoc Committee tabled the remaining necessary 275 amendments. I commend them to the House.

Mr Maskey: Go raibh maith agat, a Cheann Chomhairle. I thank the Member for tabling the amendments and speaking to them. I will try to be brief on this matter, because there are a significant number of amendments, but they are designed to deal with the one issue, which is the name change.

Our view is quite simply that we would prefer the title to remain "ombudsperson". We understand the origin of the word "ombudsman" and the question relating to the gender issue and it being a gender-neutral word. By the same token, we believe that there has been an ongoing cultural change in the last number of years whereby people tend to move away from using the word "man", which most people here obviously accept has a gender definition. On that basis, we would prefer that the name remained "ombudsperson". We think that that is becoming much more prevalent in common parlance and the understanding of people throughout civic society. On that basis, we prefer to keep it that way and continue moving in that direction. Not only is it specifically related to this particular Bill, it is part of an ongoing, changing cultural public narrative around the use of gender definitions when people are addressed in the civic world. On that basis, a Cheann Comhairle, and we seek your guidance on this, we will oppose the amendments, but we have no desire to bring the House to Divisions on this matter. If we can go from what might be described as a "no", to a "low no", to a "no no", we are quite happy to do that. We seek your guidance on that matter.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): On behalf of the Committee, I begin by again thanking Lord Morrow and his Ad Hoc Committee for the work that it has put in on the Northern Ireland Public Services Ombudsperson Bill (NIPSO). I would also like to indicate that the Committee for OFMDFM supports the Ad Hoc Committee's further name-change amendments. As Lord Morrow pointed out, research was commissioned into the etymology of the term "ombudsman", and it became clear that the history of the word suggests that it is not gender-specific, which may be counter-intuitive, taking on board the recent comments of Mr Maskey. In the end, the Committee for OFMDFM was satisfied that the term "ombudsman" is not gender-specific, and there was cross-party support for the amendments proposed by the Ad Hoc Committee, notwithstanding, once again, the contribution that we have just heard from Mr Maskey on behalf of Sinn Féin.

The Committee for OFMDFM's amendment No 87 makes a change from "Ombudsperson" to "Ombudsman", which the Ad Hoc Committee's amendment No 86 also deals with. So, I would be grateful if that particular Ad Hoc Committee amendment — amendment No 86 — to clause 33 were not moved, because the Committee for OFMDFM's amendment No 87 will make the change to clause 33 as desired by the Ad Hoc Committee.

Lord Morrow: I think that we have reached a new meaning of the word "no". It goes from "no" to "low no" to "no no". So I think that we have moved on in the Assembly today.

In summing up, I wish simply to point out that the term "ombudsman" is already gender-neutral and is recognised as such right around the world. The Ad Hoc Committee agreed to bring forward changes; the OFMDFM Committee was content for it to do so; and, at Consideration Stage, the Assembly agreed in principle to such change, making a number of specific amendments. It therefore follows that the Assembly should make the remaining amendments that flow from that decision.

In relation to the matter that Mr Nesbitt has raised, we will deal with it when we get to that particular amendment.

Mr Speaker: I will now put the Question on amendment No 1, to leave out "Ombudsperson" and insert "Ombudsman". The Marshalled List contains a large number of these amendments, and I remind Members that they have already disposed of a few of these amendments at Consideration Stage. I will put the Question, and, if it is clear to me what the majority of the House wants, I will make a call on that basis. If Members wish to record their position, then, obviously, they can challenge my judgement at that point.

Let us move on.

Amendment No 1 agreed to.

Mr Speaker: Amendments Nos 2 to 11 have already been debated. With the leave of the Assembly, I will group these amendments for the Question.

Amendment No 2 made:

In page 1, line 6, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 3 made:

In page 1, line 8, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 2 (Independence)

Amendment No 4 made:

In page 1, line 10, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 5 made:

In page 2, line 2, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 6 made:

In page 2, line 5, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 7 made:

In page 2, line 7, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 3 (Appointment)

Amendment No 8 made:

In page 2, line 11, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 9 made:

In page 2, line 14, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 10 made:

In page 2, line 19, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 4 (Abolition of existing offices)

Amendment No 11 made:

In page 2, line 28, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Mr Speaker: We now come to the second group of amendments for debate. With amendment No 12, it will be convenient to debate the other amendments in this group. These deal with procedural and technical amendments. Members should note that amendment No 12 is a paving amendment to amendment No 283.

Amendment No 289 is consequential to amendment No 288. Amendment No 295 is consequential to amendment No 294. I call the Chairperson of the OFMDFM Committee, Mr Nesbitt, to move amendment No 12 and to address the other amendments in the group.

1.00 pm

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I beg to move amendment No 12: In page 2, line 28, after "transitional" insert "and savings"— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

The following amendments stood on the Marshalled List:

No 21: In clause 8, page 4, line 11, leave out "clinical or".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

No 28: In clause 12, page 5, line 5, leave out "First Minister and deputy First Minister acting jointly" and insert "Office of the First Minister and deputy First Minister".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

No 29: In clause 12, page 5, line 11, leave out paragraph (a).— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

No 35: In clause 16, page 6, line 36, leave out "general medical" and insert "primary medical".— [*Mr Nesbitt (The Chairperson of the*

Committee for the Office of the First Minister and deputy First Minister).]

No 36: In clause 16, page 7, line 1, leave out "personal medical" and insert "primary medical".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

No 38: In clause 18, page 7, line 27, leave out "the".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

No 40: In clause 18, page 7, line 30, after "courses" insert "provided or".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

No 43: In clause 19, page 8, line 13, leave out "First Minister and deputy First Minister acting jointly" and insert

"Office of the First Minister and deputy First Minister".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 44: In clause 19, page 8, line 16, at end insert

"(4) Before making an order under this section, the Office of the First Minister and deputy First Minister must consult the Ombudsman and any other person it thinks appropriate."— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 52: In clause 22, page 9, line 13, at end insert

"(3) Before making an order under this section, the Office of the First Minister and deputy First Minister must consult the Ombudsman and any other person it thinks appropriate."— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 87: In clause 33, page 13, line 3, leave out "or any member of staff of the Ombudsperson" and insert

", any member of staff of the Ombudsman or any person authorised in accordance with paragraph 14(2) of Schedule 1".— [Mr Nesbitt (The Chairperson of the Committee for the

Office of the First Minister and deputy First Minister).]

No 106: In clause 38, page 15, line 7, leave out "subsection (1) applies" and insert

"a listed authority has been notified in accordance with subsection (1)".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 139: In clause 46, page 17, line 34, leave out subsection (2).— *[Mr Lunn.]*

No 151: In clause 48, page 18, line 17, leave out paragraph (c) and insert "(c) publication by a person aggrieved, in the course of communication with the Ombudsman, of any statement made by the person aggrieved in connection with an investigation".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

No 156: In clause 49, page 18, line 31, after "information" insert

"obtained by the Ombudsman which is".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 157: In clause 49, page 18, line 32, after "information" insert

"obtained by the Ombudsman which is".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 171: In clause 54, page 22, line 21, leave out "clinical or".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

No 173: In clause 55, page 22, line 37, leave out "clinical or".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

No 182: In clause 64, page 25, line 11, at end insert "(a) section 1 (including Schedule 1),

(b) section 3,".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 183: In clause 64, page 25, line 17, at end insert "(g) in Schedule 2, paragraphs 5, 11 and 12."— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 184: In clause 64, page 25, line 18, leave out subsection (3).— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 185: In clause 64, page 25, line 38, after "to" insert "the board of governors of".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 186: In clause 64, page 25, line 41, after "Schedule 1 (" insert "the board of governors of".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 208: In schedule 1, page 29, line 3, leave out "appointed as".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 237: In schedule 1, page 31, line 1, leave out "appointment of".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 262: In schedule 2, page 33, line 7, leave out "appointed" and insert "transfer".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 278: In schedule 2, page 36, line 2, after "where the" insert "relevant".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 279: In schedule 2, page 36, line 8, leave out "the" and insert "an".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 280: In schedule 2, page 36, line 10, leave out sub-paragraph (2) and insert

"(2) On and after the transfer day, the complaint may be made or referred under this Act, and the provisions of this Act apply for the purposes of making, referring, investigating and dealing with that complaint, save that if the complaint is made or referred within the time period required under—

(a) the Ombudsman (Northern Ireland) Order 1996, where the complaint could have been made or referred to the Assembly Ombudsman for Northern Ireland,

(b) the Commissioner for Complaints (Northern Ireland) Order 1996, where the complaint could have been made or referred to the Northern Ireland Commissioner for Complaints,

the complaint will be deemed to comply with the time period required under this Act."— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 283: In schedule 2, page 36, line 15, at end insert

"COMMISSIONER FOR PUBLIC APPOINTMENTS

12.—(1) The repeal by this Act of the Commissioner for Complaints (Northern Ireland) Order 1996 does not affect the definition of "public appointment" in the Commissioner for Public Appointments (Northern Ireland) Order 1995.

(2) Sub-paragraph (1) does not affect the exercise of prerogative powers in respect of the Commissioner for Public Appointments referred to in section 23(3) of the Northern Ireland Act 1998."— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 284: In schedule 3, page 36, line 29, leave out from ", a joint committee" to end of line 31.— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 285: In schedule 3, page 38, line 39, leave out

"and any committee or sub-committee of a new town commission".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 286: In schedule 5, page 40, line 13, leave out "56."— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 288: In schedule 5, page 40, line 31, after "maladministration" insert

"and that such injustice has not been remedied, and".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 289: In schedule 5, page 40, line 32, leave out head (b).— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 294: In schedule 6, page 43, line 30, leave out heads (b) and (c).— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 295: In schedule 6, page 43, line 37, leave out "sub-paragraph" and insert "sub-paragraphs (2) to".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 296: In schedule 6, page 43, line 39, at end insert "(f) in sub-paragraph (6) leave out '(4)' and insert '(1)'".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 298: In schedule 7, page 45, line 6, at end insert

"and

(c) as if in section 31(5) the references to section 32(1) and (2) had no effect."— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 314: In schedule 8, page 46, line 35, after "Equality Commission," insert

"the board of governors of".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 316: In schedule 8, page 47, line 1, after "Northern Ireland department," insert

"the board of governors of".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 318: In schedule 8, page 47, line 7, after "Northern Ireland department," insert

"the board of governors of".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 324: In schedule 8, page 47, line 29, after "the Commissioner," insert

"the board of governors of".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 326: In schedule 9, page 49, line 26, leave out "paragraph 14" and insert

"

	paragraphs 13 and 14
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"— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 327: In schedule 9, page 49, leave out from line 35 to the end of line 1 on page 50.— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Mr Nesbitt: The Committee has brought amendment No 12 in conjunction with amendment No 283, which ensures that the definition of "public appointment" in the Commissioner for Public Appointments (Northern Ireland) Order 1995 will not be affected by the repeal of the Commissioner for Complaints (Northern Ireland) Order 1996. The Commissioner for Public Appointments Order refers to the schedule to the Commissioner for Complaints Order. The effect is to save the schedule for the purposes of the public appointments legislation. As a result, it will be appropriate that the title to schedule 2 indicates that it includes savings provisions. Amendment No 12 changes the reference to the title of schedule 2, which appears in clause 4, to refer to "savings".

The Assembly agreed OFMDFM Committee amendments at Consideration Stage to remove references to "clinical judgement" in the context of health and social care so that the Bill would simply refer to "professional judgement", which will encompass "clinical judgement". Amendments Nos 21, 171 and 173 will therefore deal with three surviving references to "clinical", which can now be removed.

Amendment No 28 gives effect to a change recommended by the Examiner of Statutory Rules. It provides that the order-making power in clause 12 to amend schedule 3, which is the

list of authorities within the NIPSO's remit, will lie, as is normal, with the Department and not with the Minister, or, in this case, with the Office of the First Minister and deputy First Minister, rather than with the two Ministers acting jointly.

Amendment No 43 makes a similar change to clause 19 in respect of the order-making powers to update schedule 4. Amendment No 44 to clause 19 requires that OFMDFM consult the NIPSO and any other person OFMDFM thinks appropriate before making such an order. Amendment No 52 makes a similar change to clause 22, which deals with schedule 5 — the schedule of excluded matters.

Amendment No 29 deals with clause 12(3), which places some limitations on the types of bodies that can be added to schedule 3 by OFMDFM order. One of the types of bodies that could be added was a Northern Ireland Department. This was needed when schedule 3 listed individual Departments by name. However, it now refers to them generically as "a Northern Ireland department". So, whatever name changes may ensue, any Northern Ireland Department will automatically be in the schedule of listed authorities, and clause 12(3)(a) is therefore no longer needed.

Amendments Nos 35 and 36 touch on clause 16 and update wording in light of changes to health legislation. Thus, references to "general medical services" and "personal medical services" will become "primary medical services". Amendment No 286 removes an out-of-date reference to health legislation in schedule 5 — the schedule of excluded matters.

Amendments Nos 38 and 40 touch on clause 18. Amendment No 38 removes the "the" in front of University of Ulster, and amendment No 40 makes it clear that students enrolled in courses provided by the universities are covered.

Amendment No 87 is to clause 33, which deals with obstruction and contempt of the NIPSO or any member of the NIPSO's staff. This amendment extends clause 33 to encompass any other person authorised by the NIPSO under paragraph 14(2) of schedule 1 and therefore not just the NIPSO's staff.

Amendment No 106 amends clause 38 to make explicit that the obligation for a listed authority to comply with a model of complaints-handling procedure — a model CHP — applies where the NIPSO has specified a listed authority to which a model CHP is relevant and has notified that authority accordingly.

Amendment No 139, tabled by Mr Lunn and Mr Maginness, has been considered by the OFMDFM Committee, which cannot support it. The amendment would remove entirely the power in clause 46 of the Bill for the NIPSO to lay before the Assembly a special report when injustice has been sustained by a person aggrieved and that injustice has not been, nor will be, remedied. The power for an ombudsman to make a special report to the legislature in such circumstances is common to all the UK ombudsmen. It would seem very strange, to say the least, if the Assembly were to establish an ombudsman with very effective powers of investigation yet, when the ombudsman finds that a person has suffered injustice that has not and will not be remedied, the ombudsman will be stripped of the power to lay a special report before the Assembly. Surely, the Assembly must be informed.

Particular concerns were raised by the British Medical Association and others during the Ad Hoc Committee's scrutiny of the Bill about the effect that the power might have on GPs and others. The OFMDFM Committee sought advice on those concerns, and we are confident that the power can be used appropriately by the NIPSO and in a way that is compatible with the convention rights of the listed authorities that may be affected. The OFMDFM Committee has also considered special reports that were issued by the Parliamentary and Health Service Ombudsman in England, which named a GP and a dentist. Some of the reports issued by the Scottish Public Services Ombudsman have, similarly, named individuals, and the world is still turning on its axis. Therefore, the OFMDFM Committee cannot support the amendment.

Amendment No 151 deals with clause 48 of the Bill, which affords protection from actions for defamation to facilitate the investigation of and reporting on complaints made by a person aggrieved. The amendment will ensure that the absolute privilege that is provided to the person aggrieved is limited to statements that are made in the course of communication with the ombudsman.

Amendment Nos 156 and 157 clarify that the information in question in clause 49(1)(b) and clause 49(1)(c) is information that is obtained by the ombudsman.

Amendment Nos 182, 183 and 184 touch on clause 64 of the Bill, which deals with commencement. The main purpose is to ensure that those provisions of the Bill that were to commence one month after Royal Assent will now commence on the day after

Royal Assent and that all the necessary preparatory steps can be taken in the run-up to commencement of the substantive complaints and investigations provisions on 1 April 2016.

Amendments Nos 185, 186, 314, 316, 318 and 324 amend provisions where the Bill refers to grant-aided schools in line with the changes that were made at Consideration Stage; in other words, to refer to "the board of governors of" grant-aided schools.

Amendment Nos 208 and 237 remove references to the Northern Ireland Judicial Appointments Ombudsman being appointed, as there is no appointment as such. Rather, the person who is appointed as the NIPSO will automatically become the NIJAO.

Members may recall that references to "appointed day" were changed at Consideration Stage to "transfer day". However, one reference to "appointed day" survived and amendment No 262 deals with that omission.

Amendment Nos 278 and 279 make technical changes to paragraphs 9 and 10 of schedule 2.

Amendment No 280 will substitute paragraph 10(2) of schedule 2 to make transitional provision to avoid a person aggrieved being disadvantaged as a result of the change from a 12-month time limit for bringing a complaint to a six-month time limit.

Amendment Nos 284 and 285 remove some unnecessary references to committees in the list of authorities in schedule 3.

Amendment Nos 288 and 289 make technical changes to schedule 5.

Amendment Nos 294, 295 and 296 deal with schedule 6 to the Bill and amend provisions of schedule 3A to the Justice (Northern Ireland) Act 2002, which deal with reporting by the Judicial Appointments Ombudsman or NIJAO.

The Bill provides that the NIJAO is to lay an annual report before the Assembly. The effect of the amendments is to simplify the existing provision by the removal of the power to direct the NIJAO to deal with a matter in his or her annual report.

Amendment No 298 amends schedule 7 to the Bill, which deals with amendments to Part 9 of the Local Government Act (Northern Ireland) 2014. That provides for the investigation of complaints of breaches of the local government code of conduct. The power of the NIPSO under clause 31 to obtain information,

documents and so on is borrowed by the Local Government Act for investigations under the local government code of conduct, with some qualifications, as set out in schedule 7. However, clause 31(5) refers to provisions in clause 32, and clause 32 does not apply to code of conduct investigations. The amendment makes it clear that clause 31(5) applies as if the references to clause 32 had no effect.

Amendment Nos 326 and 327 are to schedule 9 to the Bill, which deals with repeals.

Amendment No 326 updates the repeals to the Justice (Northern Ireland) Act 2002 in light of changes in respect of the Judicial Appointments Ombudsman. Finally, amendment No 327 removes a repeal provision that is no longer necessary.

Lord Morrow: The Committee did not have sight of the amendments in this group prior to the formal clause-by-clause scrutiny and has, therefore, not taken a view on them. The Committee did, however, consider an issue that relates to amendment No 139 in the names of Mr Lunn and Mr Maginness, so I will briefly set out the Committee's position.

Amendment No 139 would have the effect of removing the ombudsman's power to lay a special report before the Assembly when an injustice has been sustained by a person aggrieved, and the injustice has not or will not be remedied or adequately remedied. The Committee considered that power and noted evidence that welcomed the provisions in what is now clause 46 as a means of strengthening the office of the ombudsman. Such evidence was received from the International Ombudsman Institute, the Law Society of Northern Ireland and the Northern Ireland Human Rights Commission. However, the Committee also noted the concerns of the Medical Defence Union and the British Medical Association that such a power could be construed as coercive and have significant reputational impact — for example, for a general practitioner.

The Committee gave careful consideration to those concerns. It noted that the Ombudsman (Northern Ireland) Order 1996 already provides that the ombudsman may lay a special report before the Assembly when an injustice has been sustained by a person as a result of maladministration, and that injustice has not been or will not be remedied.

The Committee also noted that the ombudsman, as a public authority, will be required by section 6 of the Human Rights Act

1998 to act in a manner that is compatible with rights under the European Convention on Human Rights, including article 6 on the right to a fair hearing and article 8 on the right to a private and family life, and to ensure that it discharges its functions in a manner that is procedurally fair. However, despite that, the Committee expressed concerns that that power could be construed as coercive and that such a report had the potential to have a detrimental impact on a medical practitioner. The Committee, therefore, recommended that the Committee for the Office of the First Minister and deputy First Minister, as sponsor of the Bill, should satisfy itself that there are proper safeguards and procedural fairness before any such power is exercised. However, having made that recommendation, the Committee was content with what is now clause 46.

Mr Maskey: Go raibh maith agat, a Cheann Comhairle. I have just a few words on this group of amendments. The Chairperson has dealt with amendment Nos 21, 171 and 173. For the record, as a party grouping, we were satisfied that taking out the word "clinical" was dealt with in previous discussions, but it has been replaced by "professional", so it is a consequential change necessitated by previous discussions. We are satisfied that the ability of the ombudsperson to do his or her job in the context of any professional issues that are raised is dealt with adequately in the Bill. As has been pointed out, our view is that amendment No 139 is completely superfluous to requirements, as it is dealt with elsewhere.

1.15 pm

Mr A Maginness: I will deal specifically with amendment No 139, which Members who spoke previously have focused on. First, under article 19 of the Commissioner for Complaints (Northern Ireland) Order 1996, there is a provision in relation to reports to the Assembly. The Chair of the Ad Hoc Committee referred to that. It states:

"The Commissioner shall annually lay before the Assembly a general report on the performance of his functions under this Order and may from time to time lay such other reports before the Assembly as he thinks fit."

That may or may not include a special report. However, I do not believe that that particular article makes provision for a special report. We all accept that the annual report is the ordinary annual report that any public body would make to the Assembly. However, a special report to

the Assembly is, I suppose, in common parlance, a name or shame type of report. In other words, a body or an individual, which is my concern here, may be named or shamed in that report. I believe that to be a very sensitive function, if it is to be carried out at all, for any ombudsman, and something that we have to look at closely in the round and scrutinise. We cannot just give blanket permission to an ombudsman to make a special report that could — as the Chair of the Ad Hoc Committee very fairly pointed out — have an adverse reputational impact. In other words, the person who is reported could well suffer quite significant reputational or professional damage. That is particularly so if a person is living in a small community such as a village or a small town. The Assembly must consider that very carefully today, because we must realise what power we are giving the ombudsman.

I know that the provision that we are looking at today, "Reports to the Assembly", is framed differently. Clause 46(2) states:

"If, after conducting an investigation (other than one under section 8)"

— I have no problem with the one under section 8 —

"it appears to the Ombudsperson that ... an injustice has been sustained by a person aggrieved, and ... the injustice has not been, or will not be, remedied or adequately remedied",

the ombudsman may lay a special report before the Assembly.

I want to look at that particular subclause because, given the power that the Ombudsman's Office has, I am not convinced that there could be such an injustice that will not be adequately remedied. From reading the Bill, I understand that if a complaint is made against an individual — I refer particularly to medical practitioners — and a settlement is proposed by the ombudsman, who also makes certain recommendations, the person complained against does not have to accept those recommendations. However, in normal circumstances, the person complained about does accept the recommendations and a settlement is entered into — normally an apology, and maybe a sum of money.

In circumstances where the person complained against rejects that and says, "No. I am not going to do that, because I do not think that I have been found to be reprehensible", the

complainant can go to the County Court. If I am wrong about that, let someone tell me. Previously, individual medical practitioners could not be brought to the County Court, but I believe that, under this Bill, they can be. If that is the case, where is the lack of remedy in relation to somebody whose complaint has been upheld? Why can that person not go to the County Court and get the necessary remedy? My point is that clause 46(2)(b) states:

"the injustice has not been, or will not be, remedied or adequately remedied".

I cannot understand the sense of that paragraph.

Mr Nesbitt: I thank Mr Maginness for giving way. I want to deal with the logic of the argument. The whole idea of having an ombudsperson or ombudsman is to avoid legal routes and stay out of the County Court, the High Court, the courts and the criminal justice system. It is an alternative procedure for settling disputes.

As Mr Maginness rightly says, this is a very sensitive function to be exercised by the NIPSO. He argues that blanket permission should not be given to the NIPSO to publish special reports. He is correct. In fact, and he quoted the relevant passage, there is no such thing as blanket permission. Rather, the NIPSO can lay a special report only if two criteria are met: first, he must be satisfied that an injustice has been sustained by the aggrieved person; and, secondly, he must be convinced that the injustice has not been, and will not be, adequately remedied by the person responsible for the individual being aggrieved. Only under those circumstances can he lay a special report.

Mr Maginness is quite right to highlight the reputational damage that could accrue to the individual GP, dentist or whomever is the subject of the special report. However, I ask Mr Maginness to recognise that it cuts both ways. If the NIPSO starts to lay special reports that end up causing reputational damage to his office, this body will not be slow, nor will the County Courts, to highlight the fact that the NIPSO is doing so without due care and consideration. That would cause massive reputational damage to the NIPSO.

Mr A Maginness: Yes, and I take the latter point that you made. With regard to the current ombudsman, there is no suggestion that there would be anything other than a proper and

thorough report that was fairly and properly carried out. I pay tribute to the current holder of the office because he has carried out a very good job that we should all applaud. However, we are making law. We are not giving a character reference for any individual or body. We have to make law that meets the concerns of everybody, and we have to strike a balance. As I understand it, article 19 allows for a report to the Assembly under the 1996 Order. This, however, is a new element: it reflects article 19, but it is a new element and means a special report. I will come to that in a minute.

I want to go back to the point that you made about injustice. Yes, injustice is the first leg of this aspect; the second leg is that that injustice has not been adequately remedied. I go back to the original point that a person can go to court and receive the proper relief that that person deserves in the court, whether it be money, an apology or whatever the terms that are concerned. That is an important feature. It is a unique feature of the ombudsman's office here in Northern Ireland; that power does not exist elsewhere. That power is there for a specific reason. If a settlement does not come into being, if it is not accepted by the person complained about, the complainant can go to the County Court and get a remedy. Whenever the person goes to the County Court, you do not have to rehearse all the evidence that has been derived in the case. The evidence of the ombudsman is sufficient to establish the claim in the County Court. You are effectively talking about a monetary element that the court can determine so that it is just and right in all circumstances.

The point that I make is that the power that we have here as far as the County Court is concerned is unique and is also very easy to access. The County Court is not like the High Court; you just go to the County Court, and the hearing takes place. It is a fairly straightforward process. On the point that I made about article 19, it seems to me that, under clause 46, this is in fact a new power. I do not understand why this new power is being introduced.

Mr Speaker: Thank you. I call — sorry.

Mr Nesbitt: I think that the Member has given way rather than completed his —

Mr A Maginness: Yes, I have given way.

Mr Nesbitt: I have a couple of follow-up points. First, we are trying to put a NIPSO in place as an alternative to the law courts. If a GP, or whoever, is subject to a special report, the

aggrieved person can go to the County Court, but it is at their own expense and risk. We are trying to avoid that; we are trying to offer an alternative process through the NIPSO. When the Committee considered the proposed amendment from Mr Lunn and Mr Maginness, we were conscious that the NIPSO will have to operate with due consideration for convention rights. There will have to be a sturdy and robust consideration of whether it is proper for the NIPSO to bring forward a special report. There are safeguards before publication. There is then the consideration of the reputational risk that the NIPSO is bringing upon themselves should they go down this extraordinary route.

My final point is that recourse to the County Court is held by the current Commissioner for Complaints rather than by the ombudsman. With the Bill, we were trying to bring together the two offices to offer something much more modern and easily understood by the public. The Committee also took a policy decision that, where there is a difference in the powers of the ombudsman and the Commissioner for Complaints, we would always level up in favour of the consumer, the voter, the electorate or the citizen.

Mr A Maginness: I accept the point that you are making. The Bill is an attempt to do that. All that I am saying is that I think that, in this instance, we are going too far in relation to special reports. As far as the person going to the County Court is concerned, they go, as far as I can see, at no risk whatsoever in legal terms. It may have a cost risk, but I cannot see how any order of costs would be given against the person because their case will be successful in any event. So I do not really regard that as issue.

Let us go to the point that Mr Nesbitt made in his submission as Chair of the OFMDFM Committee.

Articles 6 and 8 of the European Convention are involved in this. Article 6, the right to a fair trial, is engaged. It is not a trial in the sense that you go to court and are in front of a judge and jury, and so forth; it is a trial in the sense that your actions are being arbitrated upon. Therefore, it is very important, when we give these sorts of powers, that we look at them very carefully and seek to protect article 6 rights, as well as article 8 rights, the right to a private life, a family and so forth. All those things need to be protected. It is insufficient for us, as an Assembly, to say, "Well, we'll leave it up to somebody else to do this". That is, effectively, what we are doing. There is nothing in the Bill, in relation to this provision, that provides

adequate safeguards. If there were adequate safeguards in the Bill, there might be no need to remove this, but that is an additional point.

1.30 pm

To be fair to the current ombudsman and his office, they have said that the special reports could be anonymised and that that would protect the identity of the individual involved. We live in a very, very small and close-knit society, and it does not take very much for an individual to be clearly identified, even if the name or names of some individuals are not disclosed. So, despite anonymisation, there is still a problem. I accept the bona fides of the current ombudsman when he says that he assumes that his office would continue to view this in the same manner. I have no doubt about that; but he cannot vouch for somebody else who will be his successor.

As Lord Morrow pointed out, this is, in effect, coercive, or could be coercive, but not in all circumstances; the potential is there. We have to protect against that. I simply say to the Assembly that there are not sufficient safeguards here to protect the individual, and we risk the creation of an adverse impact on somebody's professional or reputational standing. I do not think that that is good enough for us as an Assembly. We should be good legislators; we should scrutinise things carefully, and we should be protective. I am very jealous and protective of the rights of complainants. Their rights should be protected. However, I do not see how this provision advances the rights of any complainant when they have an alternative and sufficient remedy — a remedy that does not exist in any other jurisdiction within these islands. That is why I and Mr Lunn, who also served on the Ad Hoc Committee, have brought this amendment. We know that we are up against it; nonetheless, we think that the merits of the amendment are on our side. We hope that the Assembly will reasonably and rationally consider what we say, because we believe that the amendment is important in protecting individual practitioners. We are not protecting the big trusts and big public organisations. They are not protected, but the individual should be protected. Thank you.

Mr Lunn: I will try not to repeat everything that Mr Maginness said, but it would probably make for another good speech. I must say that I agree with Lord Morrow that the Ad Hoc Committee, certainly initially, did have a certain amount of sympathy for this particular proposed amendment. As a Committee, I am not so sure

that we agreed not to run with an amendment. We kind of agreed that the primary Committee on this would be the Committee for the Office of the First Minister and the deputy First Minister, and we tacitly accepted what its attitude would be. My problem with it and the reason why I pushed it at the Ad Hoc Committee and since is, frankly, this: what is the point of clause 46(2)? Mr Maginness mentioned naming and shaming. That is descriptive language, but it is perhaps not far off the mark here.

In a way, clause 46 relates to another amendment that we will probably come to in the next group. If I may, I will just refer obliquely to it. It is amendment No 75 on representation at the ombudsman's hearing. You could have a situation — we are really speaking about the medical profession — where a doctor is brought before the ombudsman because of a complaint. At the moment, it is at the ombudsman's discretion whether he is allowed to have legal representation or not. That is a discussion for another day. It may well be that you will have an ombudsman's hearing involving a complaint against a general practitioner, doctor or dentist where there has not been legal representation. As Mr Maginness, rightly, says, there are legal remedies if the injustice is not or will not be remedied or adequately remedied in the opinion of the ombudsman. The complainant has the option, as he would have had in the first place, to go to the County Court and seek redress, bearing in mind that the ombudsman's decision is a recommendation, not a ruling or an award.

I am more concerned about the situation around whom I call "the defendant" in these situations — the doctor who is complained against — and his rights. I probably keep on saying "he", but I mean he or she. I do not think that Mr Maginness mentioned it, but the redress that that doctor would have is that they can seek judicial review of the ombudsman's decision. On either side of the discussion, legal redress is already available. There is actually a judicial review pending on quite a serious case. I think that it is JR 55 if anybody wants to keep track of it. It is not coming up until March 2016. It involves a considerable sum of money and the potential for considerable reputational damage, but the person who has been complained against feels strongly enough to take it to judicial review.

I agree with some of the things that Mr Nesbitt said. The idea here is not to drive people into court but to keep people out of court. That is fair enough; it is what the ombudsman's procedure is for. The ombudsman has the ability and power to make a recommendation for an amount, which I believe is unlimited at

the moment. His procedure may not be a court in the legal sense of the word, but it has the status of a court, and it certainly has the ability to do as much damage. It could potentially damage the reputation of a defendant as severely as a court. I do not mean that in a disrespectful way to the present ombudsman, who I think has done a terrific job in his tenure.

Clause 46, first of all, states that:

"The Ombudsperson must lay before the Assembly annually a general report".

Nobody is arguing with that. We do not have a problem with investigations under section 8, which, for the uninitiated, are investigations that the ombudsman has brought on his own initiative. Nobody has referred to subsection (4) of clause 46, which states that:

"The Ombudsperson may lay before the Assembly such other reports on the exercise of the Ombudsperson's functions as the Ombudsperson thinks fit."

That is pretty wide.

I go back to subsection (2), which is the one that we would like to see removed. The effect of it would be that, if the ombudsman thinks that redress is not being provided or is not likely to be provided, he can do a special report to the Assembly and whether it is anonymised, redacted or otherwise it does not make a lot of difference. Mr Maginness is right; in the small country we live in, it is difficult to conceal identities. The effect would be that the report, I believe, in the case of a medical situation, would come to the Health Committee. What on earth is the Health Committee supposed to do with such a report? I will give way to anybody who wants to tell me. All the Committee can do is note the report; it cannot enforce it. It can comment on it, but you would like to think that, in the case of potential reputational damage, it might not wish to comment on the report. The fact is that the action of the ombudsman passing a special report, only on a very special occasion, greatly adds to the weight and effect of the action of having done it. The report goes to the Health Committee, and what is it supposed to do?

The only thing that such an action has the potential to do is to put pressure on the person who was complained against to settle, even though they do not feel that the ombudsman's decision was correct. I am thinking more of the ombudsman, but you could have a situation where a defendant has decided to go to judicial

review and, at the same time, perhaps, the ombudsman is preparing a special report. I do not think that there is any need for this. I take note of the fact that other jurisdictions seem to see it differently, but frankly, Mr Speaker, it would not be the first time that we had gone against the practice of other jurisdictions; in fact, we make quite a habit of it here. It is not so important from that point of view.

Mr Nesbitt: I thank Mr Lunn for giving way. I just want to make a couple of points, beginning with his last assertion. He has acknowledged that, if we were to remove the subsection, we would be out of step with ombudsmen in adjacent jurisdictions. Is he aware of any pressure coming in any of those jurisdictions to remove the ability of the other ombudsmen to make special reports? The OFMDFM Committee is not aware of any such pressure.

Perhaps Mr Lunn can tell us whether there would be an enhanced or diminished degree of reputational damage if the aggrieved person were to go to the County Court and prevail over the GP, dentist or whomever they have a grievance against, as opposed to that person being named in a special report to the House. It seems to me that, if you go to a County Court and you lose, the reputational damage will be absolutely massive together with, potentially, some punitive costs.

Finally, Mr Lunn referred to JR 55, which the Committee has considered on a number of occasions. We do not know the outcome as yet, but we know that it is being judged against a different law, so there will be no implications from JR 55 if the NIPSO Bill becomes law.

Mr Lunn: I thank Mr Nesbitt for that. As far as the comparison with somebody going to the County Court is concerned, let us put it the other way round. If somebody wants to make a complaint against a doctor, they can do it through the County Court. They do not need to go through the ombudsman. If they go to the ombudsman and the complainant feels aggrieved that the recommended redress has not been provided, obviously they can go to the County Court. Anybody who goes to the County Court in this country would be well aware that they have no protection from publicity or reputational damage. That would be a decision for the doctor, GP, dentist or whomever to make. They would have to make the decision whether the ombudsman was involved or not.

I do not see the point of this step — this link in the chain — where the ombudsman can effectively put pressure on a defendant to settle

rather than run the risk of going to the County Court. It does not seem necessary. You are leaning forward, Mr Maginness.

1.45 pm

Mr A Maginness: I thank the Member for giving way. Mr Nesbitt raised a point about other jurisdictions that have the power to make a special report, but those jurisdictions do not have the power that currently resides with the ombudsman in our legislation. If the person or body complained about does not settle, the complainant can go to the County Court. No other jurisdiction has that power, and that is a very good reason to make us an exception.

Mr Lunn: I thank Mr Maginness for that: it probably illustrates why he is a barrister and I am not. The point is well made. I will go back to it, but I will not keep talking for the sake of it. I would rather listen to people justify why the clause has to be included than have us try to justify why it should be excluded. The weight of argument and the weight of legal reasoning are on our side. The weight of opinion on the Committee for the Office of the First Minister and deputy First Minister and perhaps, eventually, the Ad Hoc Committee is that the subsection is in some way harmless, but I would like to think that we have demonstrated that it has the potential to be far from harmless. I keep going back to the point that there is no need for it. Somebody justify to me why it needs to be in there, rather than the other way around.

I was going to stop, but I will give way to you.

Mr Nesbitt: I thank Mr Lunn. I will have one more go at this: the rationale behind having a Public Services Ombudsman is that we are providing an alternative to the courts. You have conceded that the person who is complained about has no protection from adverse publicity if they end up in the County Court. We are trying to offer an alternative to that, and we feel that there is a value in the person complained about, where the ombudsman says that they are responsible for an injustice and have not remedied and will not remedy that injustice, having the prospect of knowing that they could be named in a special report.

Mr Lunn: In 95 cases out of 100, the clause will not have to be invoked, and they are not all medical situations. I would like to think that it will never have to be used. However, there are bound to be situations in which a defending doctor feels aggrieved about the outcome of an ombudsman's investigation and perhaps about

the size of the award or the amount of redress, which, as somebody already said, could extend from a handshake and an apology to a five-figure sum of money changing hands.

As I started off by saying, in the legislation as it is framed, there might not have been an opportunity for legal representation. I do not want to talk about another clause when Members should be talking about this one, but, that having been said, the ombudsman currently has the discretion to allow for legal representation. Halfway through his own process, he might decide that that is necessary, by which time the defendant might have done himself some disservice with the outcome, which he might not have done had he had legal advice. The two things are linked, if you do not mind me linking them publicly.

I cannot think of much else to say. I really believe that this is an unnecessary clause in otherwise good legislation. I have no quarrel with any other amendment that I am aware of, except perhaps amendment No 75, which we will come to. I hope that the House will think about clause 46, and, if anyone else is going to speak to it, I would like to hear their justification for including it.

Mr Lyttle (The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister): The Chair of the Committee for the Office of the First Minister and deputy First Minister has set out clearly the Committee amendments. They are largely technical in nature and will improve definitions and processes that will be created by the Bill. He also set out clearly the Committee's position with regard to amendment No 139. I therefore commend the Committee for OFMDFM's positions on the amendments to the Assembly.

Mr Speaker: Thank you. That was short and sweet.

Amendment No 12 agreed to.

Mr Speaker: Amendment Nos 13 to 20 have already been debated. By leave of the Assembly, I will group the amendments for the Question.

Clause 5 (Power to investigate complaints made by a person aggrieved)

Amendment No 13 made:

In page 2, line 34, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The*

Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Clause 6 (Power to investigate complaints referred by a listed authority)

Amendment No 14 made:

In page 3, line 10, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 7 (Acting on behalf of a person aggrieved)

Amendment No 15 made:

In page 3, line 28, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 16 made:

In page 3, line 31, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 17 made:

In page 3, line 33, leave out first "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 18 made:

In page 3, line 33, leave out second "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 8 (Power to investigate on own initiative)

Amendment No 19 made:

In page 3, line 39, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 20 made:

In page 4, line 7, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 21 made:

In page 4, line 11, leave out "clinical or".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Mr Speaker: Amendment Nos 22 to 27 have already been debated. By leave of the Assembly, I will group the amendments for the Question.

Clause 9 (Criteria for own initiative investigations)

Amendment No 22 made:

In page 4, line 16, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 23 made:

In page 4, line 19, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 10 (Alternative resolution of complaints)

Amendment No 24 made:

In page 4, line 21, leave out first "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 25 made:

In page 4, line 21, leave out second "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 26 made:

In page 4, line 24, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 11 (Purposes of investigation)

Amendment No 27 made:

In page 4, line 32, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 12 (Listed authorities)

Amendment No 28 made:

In page 5, line 5, leave out "First Minister and deputy First Minister acting jointly" and insert "Office of the First Minister and deputy First Minister".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 29 made:

In page 5, line 11, leave out paragraph (a).— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 30 made:

In page 5, line 33, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Mr Speaker: The next item on the Order Paper is Question Time. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm.

The debate stood suspended.

The sitting was suspended at 1.53 pm.

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

2.00 pm

Oral Answers to Questions

Education

Mr Principal Deputy Speaker: Questions 2, 4 and 6 have been withdrawn.

Educational Underachievement

1. **Mr Humphrey** asked the Minister of Education to outline the measures he has taken, and plans to take, to address educational underachievement in working-class communities. (AQO 9202/11-16)

Mr O'Dowd (The Minister of Education): I am determined to take action to break the link between social disadvantage and educational underachievement wherever it exists. I have the correct policies in place, and those are being implemented with renewed vigour. I have provided additional resources to schools serving those most at risk of underachieving. Funded programmes have been implemented to improve literacy and numeracy outcomes. I have also provided funding to support programmes aimed at improving school/community links. The Education Works programme highlights the vital role that parents can play in helping their child to do well at school and improve their life chances.

I am encouraged when I see communities where formal education has not traditionally been prized now recognising that education is the path to success in the future. Other programmes impacting positively on addressing educational inequalities and underachievement include the revised SEN and inclusion framework; the full implementation of the entitlement framework; Sure Start; the early years fund; and the Achieving Belfast and Achieving Derry-Bright Futures programmes. However, while some schools persist in the use of academic selection, we will be unable to eradicate social division. The political proponents of social and academic selection must start accepting responsibility for all its outcomes, especially for working-class children. The challenge of tackling inequalities, be they educational, health or economic, is one that we all face, and success will depend on all stakeholders working together to achieve greater equality in society.

Mr Humphrey: I thank the Minister for his answer. I also thank the Minister for the interest he has taken in education in the greater Shankill and north Belfast area.

The Minister will be aware of the children and young people's zone in greater Shankill. He will also be aware of the recent report by the Equality Commission that presented inequalities in education based on data from 2011-12. Recently, my colleagues and I met Alan Logan and Emlyn Wright from the two Model Schools. Will the Minister join with me in congratulating the principals of those schools, and of Hazelwood College in north Belfast, on the leadership that they are giving? Is the Minister prepared to give greater resources for the retention of the extended schools programme, which is so hugely needed in constituencies like North Belfast, inner East Belfast, South Belfast and West Belfast?

Mr O'Dowd: I have no difficulty in acknowledging the hard work of the principals in the schools that you mentioned. It is clear when you see connections between schools and communities that the educational well-being of children in the area improves. There are many good examples of that. I have significantly increased funding to schools in areas of social deprivation over the past year. It will take a while for that money to be managed in a way that shows the positive outcomes for children that we want to see; I am not expecting an immediate return on it. That will take a number of years, and schools, the Department and the Education Authority are working together to plan towards that.

I have done my best in difficult budgetary times to protect the extended schools budget. We face another difficult budget scenario for 2016-17 and beyond, but, as long as I am in post, I can assure you that I will do my utmost to protect the extended schools budget.

Mr Hazzard: I thank the Minister for his answers thus far. I welcome the original questioner's acceptance of the effect of targeting social need in areas such as the Shankill, but remind the questioner that he voted against changes to the common funding system and that it is important to show leadership. So I ask the Minister: how is it now important to show leadership, especially when it comes to academic selection, in areas such as the Shankill?

Mr O'Dowd: As I said, if you support academic selection, you have to support all outcomes of

academic selection. The evidence shows clearly that academic selection has a detrimental impact on young people from socially deprived areas. I do not know what the positive outcomes are, but people tell me that there are positive outcomes. If you support those, you also have to acknowledge that the negative outcomes from academic selection also exist. There is a large evidence base to show the detrimental impact that it has.

The Shankill was mentioned by the original questioner. In fairness, the community sector and community organisations in the Shankill have taken ownership of education in the area. I was at a report launch the other night in west Belfast where the community and schools have been working together. The very impressive results coming out of post-primary schools there are all down to cooperation, working in partnership, identifying each other's strengths and weaknesses and being prepared to work together. Leadership is vital in the school and classroom, as well as in the community and in the political forum, to ensuring the best outcomes for young people.

Mr Rogers: I thank the Minister for his answers thus far. What professional opportunities are there for our teachers to upskill in literacy and numeracy and be made aware of the good practice that is out there? My concern is that many of the good projects, for example, Achieving Belfast and Achieving Derry, are not disseminated well enough.

Mr O'Dowd: Numeracy and literacy are core skills in teaching and in our education system. I acknowledge the need for continuing professional development in our teaching workforce, but it should be across a wide range of areas. Core skills should be updated, but they should be there from the very start. Under the Delivering Social Change programme, we brought newly qualified teachers into schools as an additional resource, and they were used directly as a numeracy and literacy support or to allow a more experienced or qualified teacher to deal with numeracy and literacy. We learned lessons from that, and, through the Education and Training Inspectorate (ETI), those experiences are being shared to ensure that best practice is delivered across schools.

As resources become more and more stringent, we will have to reach the point of using our main resource as the key lever to eradicate educational underachievement and numeracy and literacy problems, rather than seeking out schemes or additional funds. We will have to start using our core funding more strategically

and effectively to ensure that we get a return on it.

Mr Lyttle: Does the Minister agree that education, health, community and business sector partnerships are key to improving educational outcomes? Can he give to the EastSide learning partnerships and learning framework the same positive support as he has given to the Full Service community network in north and west Belfast?

Mr O'Dowd: EastSide is another positive development not only in community infrastructure but in educational output. I have attended a number of events and have met the group. I am impressed by its work and involvement in education in the community. A lot of good work is going on out there. It is worth noting that, from 2007, the percentage of young people leaving school with five good GCSEs has risen by almost 10%, so the policies, the commitment and the work are beginning to pay off for our young people. The percentage of young people on free school meals leaving schools with five or more good GCSEs has risen by almost 8% in the same time frame. We have a lot of work to do there, but the graph is moving in the right direction, and there are many different aspects to why that is the case.

Markethill High School, Armagh

3. **Mr Irwin** asked the Minister of Education for an update on plans for a new build for Markethill High School, Armagh. (AQO 9204/11-16)

Mr O'Dowd: A new build for Markethill High School was considered for my June 2014 capital investment announcement. Unfortunately, the proposed project did not pass one of a number of gateway checks, on the basis that the school's enrolment was below the sustainable schools threshold. Should there be a further announcement for either the major capital or school enhancement programmes, the school will have the opportunity to reapply for consideration at that time.

Mr Irwin: I thank the Minister for his response. He said that the enrolment was not high enough. Markethill High School is at its absolute maximum in relation to the number of pupils that it accepts. Does the Minister accept that Markethill High School has consistently delivered some of the best results anywhere in Northern Ireland?

Mr O'Dowd: Markethill and the Armagh city area require an area planning solution to ensure that we know exactly the make-up of the school estate from this point forward. That will allow me as Minister, or my successors, to invest in the Armagh and Markethill area. At the moment, we do not have an area plan for the secondary/post-primary sector, and I encourage everyone involved to come to a conclusion on the discussions around that.

Yes, I do congratulate the school on its excellent exam results.

Mr Boylan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Thank you, Mr Principal Deputy Speaker. What projects are in the major capital programme in the Newry and Armagh area?

Mr O'Dowd: I thank the Member for his question. There are several programmes of spend in the Newry and Armagh area. The following schools are benefiting from the school enhancement programme: St Patrick's Grammar School Armagh, which is on site; Our Lady's Grammar School, Newry; Rathore School, Newry; and Armstrong Primary School, Armagh — the tender has been awarded. Two of the major projects are on site; one is at feasibility stage, and one is at business case stage. Also benefiting are St Joseph's Convent Primary School, Newry; St Clare's Abbey Primary School; St Colman's Abbey Primary School, Newry; St Joseph and St James Primary School, Poyntzpass; and St Joseph's High School, Crossmaglen. There is an estimated value of £44 million of capital investment in the Newry and Armagh constituency, on site now or in the foreseeable future.

Mr Kennedy: I thank the Minister for his earlier, albeit somewhat disappointing, answers. I declare an interest in that my wife is employed at Markethill High School. Does the Minister accept that his news to the Assembly today will be greeted with great disappointment, given that Markethill High School is a very well-regarded and high-achieving school in the mid-Armagh area? Can he look at the criteria again? The school estate at Markethill is no longer in a fit and proper condition to educate the pupils who are already there.

Mr O'Dowd: I thank the Member for his question. I understand that my statement today will come as a disappointment to Markethill High School, although not, I think, as a surprise, because they were aware of the situation.

There are many schools in our schools estate that require significant investment or a complete rebuild. The way that we have been moving forward over the last number of years is through the area-planning process to ensure that when we invest significant public funds in the schools estate we can be confident that a school is situated in the right area — I am not suggesting that Markethill High School is not, but I am giving a broad answer, rather than one specifically about Markethill or Armagh city — and that we know the numbers that the school will be catering for into the future. That has to be based on an area-planning solution.

As the Member, and other Members of the constituency, is aware, there has been an ongoing stop-start discussion on the future of education in that region. I encourage political representatives from all political parties to use their influence to ensure that those discussions come to a conclusion and that the needs of all the young people in that area are met. It will allow this Minister, and future Ministers, to invest in the area.

Mr D Bradley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an fhreagra a thug sé dúinn ar an cheist áirithe seo. Thank you, Mr Principal Deputy Speaker. I thank the Minister for his answer. He referred to area-based planning in relation to Markethill High School, but does the Minister agree that area-based planning in the south Armagh area has been completed and that there is good cooperation between St Paul's High School, Newtownhamilton High School and St Joseph's High School, Crossmaglen? Can he also give an indication of the progress on bringing forward a new build for St Joseph's, Crossmaglen?

Mr O'Dowd: Gabhaim buíochas leis an Chomhalta as a cheist. I thank the Member for his question. I have already announced a new build for St Joseph's High School in Crossmaglen. You pointed out why I could make such an announcement: area planning has progressed in the south Armagh area, and there has been engagement between the various schools. As we know what size of schools estate we need, we can invest in it. My announcement on St Joseph's stands. Preparatory work for the new build is moving forward.

Levels of Progression: Industrial Action

5. **Mr McMullan** asked the Minister of Education to outline the progress made to resolve an industrial action over levels of progression in schools. (AQO 9206/11-16)

Mr O'Dowd: Over the last number of weeks, I have met the NITC — the Teaching Council — representatives on three occasions. I am encouraged to report a shared acknowledgement that teacher judgement is the best means of determining and reporting on a child's progress, and a growing acceptance that the application of standards through moderation is intended to assist teachers to use the levels of progression in the classroom with confidence. I have listened to the views and concerns of the NITC, and they have listened to mine. More importantly, I have demonstrated that I am prepared to act to address them.

2.15 pm

With that in mind, and given our common ground, it is my view that there can now be no possible justification for the continued industrial action in that area. Therefore, on 22 October I wrote to the Teaching Council, which represents all the unions, to set out the significant steps I am prepared to take on the end of key stage assessment arrangements from 2015-16, recognising that the assessment arrangements must evolve as they embed. In return, I requested that the NITC agree to bring the current industrial action in relation to assessment to an end, which will allow us to move forward together.

I am encouraged to note that the National Association of Schoolmasters Union of Women Teachers (NASUWT) has now suspended its industrial action in relation to statutory assessment. I understand that the Irish National Teachers' Organisation (INTO) and the Ulster Teachers' Union (UTU) have written to schools that were successful in the first call for applications for the shared education signature project to advise that they can now comply with the assessment process. I encourage those teaching unions that are still on industrial action to give the matter their urgent attention.

Mr McMullan: Go raibh maith agat. I thank the Minister for his answers. Will he outline which unions, if any, have responded to his proposals?

Mr O'Dowd: The unions that have responded in a positive manner are the NASUWT, the INTO and the UTU. The Association of Teachers and Lecturers (ATL) has advised me that it will continue with its industrial action, and the National Association of Head Teachers (NAHT) was not involved in that specific industrial action.

We have made progress. If other unions follow the examples of these unions thus far, it will give us space to continue discussions. It will also allow the assessments to begin. As I have said repeatedly in my discussions with the unions, we need to allow the process to begin. The process will evolve over a period of time to ensure that we achieve the best education possible for our young people and have the correct way of recording and using data for that purpose. That is what we all want.

Mr Weir: Given that, at the heart of it, there seems to be a lack of confidence in levels of progression as a means of assessment; when the Minister talks about an evolving situation, is one of the bits of evolution that has to occur an examination of alternative means of assessment as we move forward?

Mr O'Dowd: I am not keen to examine alternative means of assessment when we have not used the current assessment processes that are in place. I have been able to deal with the vast majority of genuine concerns that have been raised by the unions about levels of progression.

As I said to Mr McMullan, for the process to evolve it has to begin. I welcome the fact that a number of unions are suspending their industrial action. We will let it begin, discussions between my Department and the unions will continue, and we will achieve an assessment process that meets the needs, first and foremost, of our young people, and of our education system, our teachers, our Department of Education and all other bodies.

I was in Wales and Scotland recently and had the opportunity to discuss various forms of assessment with the Welsh and Scottish Ministers. They vary. In Scotland, they use a test and may move to a singular test. Wales uses an assessment process as well. There are different examples as to how it can be achieved. I welcome the suspension of industrial action by some of the unions. To give confidence to the system, let us get the process moving forward and ensure that we end up with an assessment that we are all satisfied with.

Mrs Overend: I thank the Minister for a response on the matter. I could not hear all the answer, with the speakers in this part of the Chamber, but I wonder could he —

Mr O'Dowd: The rowdy corner.

Mrs Overend: It is more to do with the sound system than my colleagues. Will the Minister clarify whether there is a change to what schools will have to do as part of the statutory process going forward?

Mr O'Dowd: Yes. I have had discussions with the unions and have listened to their concerns. Moderation was a concern.

I outlined to schools that moderation will now take place within the school and among a cluster of schools in that area to ensure that each school's marking regime is fair, adequate and understood by the schools around it. The level that the school uses for each element of work will actually be worked out, first, within the school and, then, among the schools surrounding it.

What is the data used for? There were concerns among the unions that the data would be used as a blunt tool to target schools as underachieving. I have reassured the schools that that will not be the case. I have asked for data to be returned to my Department in a way that will not allow me to identify individual schools but will allow me to identify trends across our education sector to be used to ensure that our policies are correct and are achieving the traction that we all want to achieve. Those are just two areas.

There are concerns about the workload around the portfolio. I have engaged with the unions around that. I believe that the measures we have put in place will ease the pressures on the teachers' workload as well.

There are many different views on what type of assessment you should use. Some would argue that you should use a simple test, and there are systems that use a test. In Scotland, the different authorities may use slightly different tests, and there may be a proposal to bring forward a single test, but the concerns raised there are my concerns around the test: you teach to the test. What I am trying to achieve is an assessment that is based on the professional judgement of the teacher on work from the curriculum that the child will do in the class.

Teachers were concerned that maybe they would score it right but the school down the road would not. I think that, if we bring schools together in clusters and they discuss and debate what a level 2, level 3 or level 4 looks like, there will be confidence among schools that it is being scored correctly. As I have constantly said and have said during this Question Time, we need to have the assessment in place for it to evolve into what we want it to achieve. Now that the unions have suspended their industrial action —

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

Mr O'Dowd: OK.

Mr Dallat: I thank the Minister for his answer. Will he agree with me — perhaps in simple English, using words of no more than two syllables — that the levels of progression were used as an accountability measure, which eroded any possible use they might have had as an assessment or learning tool?

Mr O'Dowd: What is wrong with a Department of Education or Education Authority having an accountability mechanism? How do we ensure that our young people receive the educational opportunities they should receive? I make no apologies whatever for seeking accountability tools. I have sat in front of the unions and told them that I make no apologies for seeking accountability tools. It is how those accountability tools are used that is a cause of concern to the unions. The unions, in fairness to them, are not shying away from accountability either. It is about how and for what purpose accountability is used. They were concerned that levels of progression would be a blunt tool to identify schools as underachieving and, therefore, all the power and force of the Department of Education would fall down upon them. I have assured the unions that that is not the purpose of them. I have put changes in place that will ensure that that is not the purpose of them. The purpose of levels of progression is to ensure that our young people's education is up to the standard that it should be — measured by teachers.

Careers Advisory Forum

7. **Ms McGahan** asked the Minister of Education to outline the progress made in establishing a careers advisory forum. (AQO 9208/11-16)

Mr O'Dowd: The inaugural meeting of the careers advisory forum took place on the 12 November 2015, and feedback from the day has been very positive. Minister Farry and I established the forum in response to a recommendation from the independent review of the careers system. The forum's role is to advise both Departments on current and future careers provision and facilitate engagement between employers, educators and other key stakeholders at both a system level and a local level. Membership is made up of representatives from business and education and other stakeholders, such as parents. It is chaired by Judith Gillespie, and I am grateful to Judith for taking on that challenging and important task.

Ms McGahan: I thank the Minister for his response. Can I ask him for a potential time frame for the implementation of the recommendations pertaining to DE from the report? Go raibh maith agat.

Mr O'Dowd: The Employment and Learning Minister and I are working our way through the recommendations. I am due to meet the Employment and Learning Minister shortly for further clarification of the recommendations etc, so those discussions continue. I cannot put a time frame on it, but I assure you that we are working with the Employment and Learning Minister around that report.

Mr Campbell: Can the Minister reassure the House and the public that sufficient steps will be taken at the careers advisory forum to ensure that the suitability and appropriateness of positions in the public and private sectors will be borne in mind when schools look at the projects?

Mr O'Dowd: I want to reassure the Member of that. If he has any specific issues that have caused him concern, he is more than welcome to engage with me after Question Time. To date, however, I have had no reason to believe that anything other than complete professionalism is taking place at the forum, which will be professional in its work and delivery.

Mr Swann: I thank the Minister for bringing this forward as a recommendation from the Employment and Learning Committee's inquiry into careers. Has he considered our recommendation to make careers a statutory obligation and the potential of putting that in, maybe, in years 10, 12 and 13?

Mr O'Dowd: As I have said previously, I am reviewing all the recommendations from the DEL careers strategy and will respond to them in due course.

November Monitoring Round

8. **Mr Hazzard** asked the Minister of Education to outline how his Department will benefit from the recent November monitoring round announcement. (AQO 9209/11-16)

Mr O'Dowd: Across the education sector, we continue to deal with a very challenging budget situation. The additional £15 million in-year allocation will be spent equally on school maintenance, special education and funding the drawdown of schools surpluses. School maintenance is an area of the budget that continues to be under pressure due to an ageing schools estate. The additional allocation will be used to address outstanding health and safety maintenance issues. Special education is also a growing cost pressure in the education sector. Therefore, additional funding will assist special education needs for pupils in both mainstream and special schools. In June 2011, the Executive agreed the schools surplus scheme, which allows schools to either draw down or increase their surplus. That is funded from a central pot controlled by the Executive. The £5 million allocation to fund schools surplus drawdowns enables schools that wish to reduce their surplus during 2015-16 to fund in-year expenditure. I am committed to protecting and, where possible, enhancing front-line services in education. I therefore welcome the additional £15 million, which will go some way to easing the financial pressures in education.

Mr Hazzard: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answer. He referred to the "central pot" of school surpluses. Will he detail how much is in that central pot?

Mr O'Dowd: Currently, £36.7 million in surpluses built up by schools over a number of years is held in that central pot. It can and should be drawn down to assist schools in delivering the educational provision that their young people require. It is quite a significant amount that has largely stayed in and around the same over the past number of years, even though we have gone through a very difficult budgetary period. I encourage schools to keep their surplus to a minimum and to use it to assist their young people's educational needs. Obviously, I do not want a run on the bank. I do not want a £36 million download at this stage. However, over the next years, surpluses will

certainly require further and more detailed attention.

School New Builds: East Londonderry

9. **Mr Campbell** asked the Minister of Education to outline the submissions made by primary schools in East Londonderry for new school builds since 2012. (AQO 9210/11-16)

Mr O'Dowd: Since 2012, five primary schools have been submitted for consideration in major capital announcements: Ballykelly Primary School; Listress Primary School, which is part of the amalgamation of Mullabuoy Primary School and Craigbrack Primary School; Mill Strand Integrated School, Portrush; Roe Valley Integrated Primary School; and St Patrick's Primary School, Portrush. Of those, two schools have been announced to be advanced in planning for a new build: Listress Primary School, announced in January 2013, and Roe Valley Integrated Primary School, announced in June 2014.

Mr Campbell: It is early days since the working tax credit money amounting to some £240 million over four years landed on the Executive's desk, but has the Minister had an opportunity to turn his mind to any application for sums from that source to further some of those capital build programmes?

Mr O'Dowd: The Member will be aware that the money set aside for tax credits is revenue. I seek capital, although I looked at the Chancellor's announcement and noted that capital was increasing for the Executive. I will put on a major lobby for an increase in the Department of Education's capital fund for the next year.

It took a dip this year.

I will also be seeking revenue for education from whatever source I can achieve it. The Executive will be discussing what we do with the £250 million or £260 million that was set aside for working tax credits. I will involve myself in those discussions, and I can assure you that I will always have an eye on getting more money for education.

2.30 pm

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

Education for Children with Autism

T1. **Mr McCarthy** asked the Minister of Education whether, since the introduction of the Autism Act (Northern Ireland) 2011, he is satisfied that his Department has lived up to the expectations of parents and guardians of children with autism that they can get the education most suited to their needs when they need it. (AQT 3201/11-16)

Mr O'Dowd: Yes, I am. We have policies in place that, by and large, deliver for the needs of our young people with autism and their family.

The Member will be aware that we are bringing the Special Educational Needs and Disability (SEND) Bill to the House for its Consideration Stage tomorrow, which I hope will lead to an improvement in the delivery of education services across the entire range of young people with special educational needs. The Member will also be aware that the £5 million that we received as part of the November monitoring round will go a long way to easing some of the pressures in that area.

Mr McCarthy: I thank the Minister for his response and very much welcome the extra funding going into the sector. Importantly, is he aware that, when parents and guardians seek education for their youngsters, the provision is frequently not available, and it is certainly not available when it should be? Delays are, and have been, the big bugbear for parents of children with autism.

Mr O'Dowd: I do not necessarily agree that it is "frequently not available". We have many fine special educational needs schools that service the needs of our young people, including those with autism. We have many autism classes much autism provision in our mainstream schools as well.

Where there have been delays and where the system has let families and young people down, I accept that that is totally unacceptable. We have to continue to improve our delivery of services to the most vulnerable in our society. I hope that the SEND Bill goes a long way towards doing that.

I have ring-fenced special educational needs funding over the past number of Budgets, and it is my intention to do so again. As I said, I will always seek further funding for special educational needs.

Secondary Enrolments: North Belfast and Greater Shankill

T2. **Mr Humphrey** asked the Minister of Education to look at varying the intake numbers for the Girls' Model, the Boys' Model and Hazelwood Integrated College, which were oversubscribed this year, with the Girls' Model oversubscribed by almost 30 young ladies, to allow more local young people to attend local secondary schools, given that the population in the primary schools in north Belfast and the greater Shankill is growing and that this will continue to be a problem. (AQT 3202/11-16)

Mr O'Dowd: There are a number of ways of dealing with that, the first of which is through the numbers allocated to schools each year. We write out to each school every year, asking it whether it requires or is seeking a change to its entry numbers — an increase or a decrease — and, if so, the rationale for that. Secondly, it can be dealt with through a development proposal being brought forward to manage area-planning needs, but that is a matter for the Education Authority.

Mr Humphrey: I thank the Minister for his response and welcome it. I make one point to him: it is very difficult for principals. As I said during listed questions, we have met the local principals to do planning when they do not have the places available to facilitate the young people who are being drawn from across Belfast because of the lack of state secondary schools.

Mr O'Dowd: I am not placing the entire responsibility on the principals. The schools are run by boards of governors, and there is a role for the boards of governors in the programme. When I talk about area planning, I am talking about it from an Education Authority level. Those are controlled schools, for which the Education Authority is responsible. The schools should be planning for the future needs of young people in their area. If there is a shortfall in the numbers projected, I expect the Education Authority to bring forward plans to rectify that.

School Enrolment Numbers

T3. **Mr Clarke** asked the Minister of Education how his Department gathers data on school places, given that he will be familiar with the recent PAC report on school places and how they are calculated. (AQT 3203/11-16)

Mr O'Dowd: As a former Chairperson of the Public Accounts Committee, I know that it is more than my job is worth to comment on a report before the Department and the Department of Finance and Personnel have had a chance to formally respond.

Mr Clarke: As a former Chairman, you may be aware that this report indicates that the figures are inflated and that it does not allow for modern teaching methods. The figure that your Department uses in relation to the number of empty places is actually a false figure. What is your Department going to do to rectify that and print an accurate figure for whatever the schools estate has?

Mr O'Dowd: I do not want to go into the specifics of the PAC report but, whatever figure you use, we have too many empty school places. However, we do not use the universal figure when we are judging the schools estate in any area. For instance, if a development proposal comes forward to me to close a school, we will have accurate, up-to-date figures for each of the schools in that locality. We will know exactly what empty or full places there are in those schools. If a proposal comes forward to me to open a school, I will know what the accurate up-to-date data is in each area. Whatever the universal figure may or may not be — we will respond to the PAC on that in due course — the way that we develop our schools estate is with up-to-date data and information. Therefore, I believe that we can accurately reflect the position in any area when making decisions around area planning.

Education Budget: PPP Schemes

T4. **Mr Rogers** asked the Minister of Education whether he shares the recently expressed concerns about the cost to the Education budget of PPP schemes and to state whether there has been any renegotiation of those contracts. (AQT 3204/11-16)

Mr O'Dowd: The original PPP schemes were actually the subject of a PAC report during my time there. Yes, lessons have been learned from those original pathfinder PPPs. I have not been involved — to the best of my knowledge, the Executive have not involved themselves — in any PPP schemes during this mandate. If we are to move into that territory, we will have to take best practice from elsewhere around these islands and perhaps across Europe to ensure that the public sector, rather than simply the private sector, is a beneficiary. We have not had an opportunity to renegotiate contracts. They are legal contracts. I could spend a

significant amount of time hiring legal and other expertise to renegotiate something, or I can move forward in trying to deliver the services with the limited resources that I have.

Mr Rogers: I thank the Minister for his answer. Officials at a recent Education Committee meeting said that over 50% of their costs are utility costs. Will you outline what they mean by utility costs?

Mr O'Dowd: It depends on each contract for each school. I assume that they are referring to service level agreements with the schools around keeping the schools in pristine condition. I have been around a number of PPP projects that are several years old in very busy schools, and I have to say that they are pristine; they are like they were the day they were built. I have a major maintenance backlog. When I walk around a PPP project and see how well they are kept, I know that I am not going to have to spend any maintenance on those, so there is a cost offload in maintenance against utility costs etc. I am more than happy to supply the Member with a full breakdown of what that terminology covers.

Controlled Sector Support Body

T5. **Mr Campbell** asked the Minister of Education to outline the work expected of the controlled sector support body. (AQT 3205/11-16)

Mr O'Dowd: It is set out in an Executive agreement that the controlled sector support body is there to support controlled schools in the delivery of education and to give them a coordinated voice and approach in areas of concern and opportunity.

Mr Campbell: Would the Minister, then, be content if the support body were to ensure, for the present and the future, that parity of funding in capital and revenue is uppermost in its mind and, hopefully, concentrate the mind of this Minister and future Ministers on that aspect as well?

Mr O'Dowd: The body's work programme in ensuring parity where I am concerned will be very short because my record speaks for itself. I have published criteria for new school builds. I have made announcements around new school builds based on those criteria. While many cases of legislation take place in education, I have never been challenged in the courts over any decision that I have made around a capital build. That speaks for itself;

my processes are open and transparent and, while people might not always like the decisions, they realise that people are getting a fair deal.

Primary Schools: Islandmagee

T6. **Mr Lyons** asked the Minister of Education, given that he knows that Islandmagee needs a new primary school and the fact that, in 2014, he said that a development proposal for the amalgamation of Kilcoan and Mullaghdubh primary schools had been approved in 2004 and remained in place, with responsibility for implementing the proposal to bring the schools together resting with NEELB, which has happened, albeit that Kilcoan and Mullaghdubh will be amalgamated from September 2016 but on different sites, to give an update on the funding for a new build for a new Islandmagee primary school. (AQT 3206/11-16)

Mr O'Dowd: I am looking through my notes because I think that there is a question for oral answer on that matter that I did not get to. I am more than happy to give the Member a written update on the building programme. I announced it previously, but there was a change of mindset in the then education and library board, which meant that the programme was delayed. There have been many twists and turns in the road for those schools. Once I have definitive decisions in front of me, we can move on towards ensuring that the school receives a new build.

Mr Lyons: I thank the Minister for his answer. This issue has been going on for the best part of a decade. Further to his answer, will he commit to meeting me, other elected representatives and members of the board of governors to discuss why the new build for Islandmagee should be a priority for his Department?

Mr O'Dowd: I am happy to do so.

New Builds: Lurgan

T7. **Mrs D Kelly** asked the Minister of Education, given that he will be aware of the considerable challenge of the amalgamation of St Michael's, St Mary's and St Paul's in Lurgan, for an update on the two-site interim development bid that has been submitted in advance of a new school being built on the site of St Ronan's. (AQT 3207/11-16)

Mr O'Dowd: I am also aware of the huge opportunities that have arisen as a result of the

amalgamation of those three schools. It is heart-warming to see young people in the Catholic sector in Lurgan attending one school in the one school uniform, which is a major step forward for education in the area. Any proposal that is brought forward to me on a two-site solution ahead of a full build, which I have announced — there will be a new build for that school — will be looked at against any other pressures at that time.

Mrs D Kelly: In the interim, will the Minister write to me formally to let me know when a decision may be reached or when he may consider the development proposal, which, I understand, is with the Department, as an interim measure before a new school is built on the site of St Ronan's, which, let us face it, was announced by your predecessor in 2010?

Mr O'Dowd: I think that you will find that I announced the new build.

Mrs D Kelly: No, actually —

Mr O'Dowd: I think that you will find that it was me who announced the new build. The development proposal for the schools to amalgamate was also approved only two years ago. So an announcement has been made, and progress is being made towards a new build, which perhaps will be one of the biggest schools in our portfolio. It will provide education for future generations in the Lurgan area. I am more than happy to write to the Member to update her on the current position.

Polycentric Inspection Report: West Belfast

T8. **Mr Maskey** asked the Minister of Education what lessons can be learned for other areas following the publication of the ERASMUS polycentric report on educational achievement in west Belfast. (AQT 3208/11-16)

Mr O'Dowd: Any community that is interested in raising educational outcomes for its young people should study that report and listen to the testimony of teachers, pupils and community activists in that area to see how their working together, breaking down the barriers of concern about sharing best practice between schools and so on, and ensuring that they are working with a community has been to the benefit of young people in west Belfast.

Mr Maskey: I thank the Minister for that. Will he continue to give leadership in working with all the other relevant educational authorities

and agencies to try to make sure that we roll out such successful programmes in the future, as he has been doing for some time?

Mr O'Dowd: One of my themes throughout my time as Minister has been to say that, despite having excellent teachers and school leaders, they cannot do this on their own. If we are to raise educational outcomes for young people, particularly in areas of social deprivation, there has to be community involvement. The old African saying that goes something along the lines of:

"It takes a village to raise a child"

is very apt in these circumstances.

2.45 pm

The ERASMUS study showed that schools work together and self-evaluate. I think that one of the main findings was that schools were self-evaluating their own work and sharing their best practice with neighbouring schools, coming together through area learning communities at nursery, primary and post-primary level and ensuring that everyone felt comfortable and involved. Working with the community sector has ensured that the qualifications of young people coming out of west Belfast have been on the up every year over the last five or six years. When you look at all the socioeconomic indicators in west Belfast, they tell you that young people there are disadvantaged, and most likely to be disadvantaged in their educational outcomes. What has actually happened there is that the community and education sectors have refused to set the destinies for those young people and have set out a pathway and a work programme that have given them excellent opportunities in life.

Employment and Learning

Mr Principal Deputy Speaker: I must inform the House that questions 3, 10 and 14 have been withdrawn.

Ulster University: Magee Courses

1. **Mr Middleton** asked the Minister for Employment and Learning how his Department will assist the Ulster University Magee campus to ensure courses are protected. (AQO 9217/11-16)

Dr Farry (The Minister for Employment and Learning): While my Department provides funding and sets the strategic direction for the

higher education sector, universities are autonomous and wholly responsible for decisions on course offerings and where the courses are delivered. The institutions are at liberty to deploy their funding across their various campuses, where applicable, and on the different courses that they offer. In deciding which courses to close or scale back, the Ulster University took a number of factors into consideration, including the priorities of my Department, such as protecting narrow STEM provision; student demand; attrition rates; student satisfaction; employment statistics; and research performance. The university has also consolidated teaching provision into its campuses to facilitate the necessary reduction of staff numbers without impacting on the quality of teaching, which remains paramount.

Mr Middleton: I thank the Minister for his answer. Later this week, I will meet the vice-chancellor Paddy Nixon to discuss these matters. Does the Minister agree that, whilst we all want to see the university at Magee expanded, it is vital that the courses that are on offer are focused on the needs and demands of the area, specifically computing and health and social care?

Dr Farry: I wish the Member success with his meeting with the vice-chancellor. I am sure that it will be very productive. In respect of his supplementary question, the Member should take some degree of comfort that, while we are going through some very difficult times, the university has sought to consolidate particular types of courses at particular campuses rather than spreading them out. In that way, it is trying to stretch itself that little bit further to protect the range of courses that is on offer and also the number of places that can be facilitated. Indeed, it has consolidated engineering and computing into the Magee campus, which hopefully will reinforce its relevance in particular to the opportunities to expand the economy in the north-west.

Ms Maeve McLaughlin: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for that update. Specifically, can he give an update on the current business case for the Magee expansion and indeed where he thinks the expansion issue will sit in the restructuring of Departments?

Dr Farry: First of all, with regard to the business case, we have asked for further clarification on a number of points. That request was made by my officials at the beginning of July. We have yet to receive the revised business case. I encourage those who

are finalising it to get it to us as quickly as possible, given, not least, that decisions on budgets are looming. Ultimately, the issue of the expansion lies with higher education. As the Member will appreciate, higher education is set to be part of the new Department of the Economy from May 2016 onwards.

Mr Swann: The Minister referred to the relocation of courses to Magee. Can he say what is actually happening to psychology courses?

Dr Farry: My understanding is that psychology is being redirected to Coleraine. The process of consolidation at Magee is being reflected in similar decisions that are being taken with respect to the other campuses. As I have outlined already, a strategic approach is being taken that is about trying to maximise the ability to retain as many courses as possible and also to protect as many places as possible. That is a way of maximising the efficiency of the university as far as it can, operating across four different campuses.

Big Conversation: Update

2. **Mr McGlone** asked the Minister for Employment and Learning for an update on the Big Conversation. (AQO 9218/11-16)

4. **Ms Ruane** asked the Minister for Employment and Learning when he will announce the findings of the Big Conversation. (AQO 9220/11-16)

Dr Farry: With your permission, Mr Principal Deputy Speaker, I wish to group questions 2 and 4, and I request an additional minute for the answer.

I launched the Big Conversation on 15 September as an innovative and experimental approach to engaging with people on the sustainability and the future of our higher education system. It concluded on 23 October. The process was designed to be iterative, comprising two main stages themed on a week-by-week basis. The first stage, 'Did you Know?', ran for the first three weeks and focused on raising public awareness of the purpose and importance of our existing higher education system. This was followed by a second stage, 'Have your Say', which launched on 6 October and invited people to put forward their views on some of the most critical issues facing our higher education system.

During the first stage, people were invited to test their knowledge of our existing higher

education system through online 'Did you Know?'-style surveys. The second stage was more akin to a traditional consultation. Equipped with the knowledge gained in stage one, people were invited to have their say on a range of issues through a consultation questionnaire. Questions focused on the adequacy and sustainability of our existing higher education funding and delivery systems and whether there might be alternatives that could work better for Northern Ireland.

During the process, my officials and I sought to stimulate debate and engage with people in a wide range of ways. We had formal meetings with stakeholders, and we held workshops, focus groups and a Twitter question and answer session in the penultimate week to answer people's questions directly. Various other stakeholders, including our universities and colleges, promoted the process through their own channels. In the final week, my officials organised a panel discussion to examine some of the different higher education funding and delivery systems maintained in other parts of the world. That event was very well attended and received, and we were fortunate to secure some excellent panellists. Now that the Big Conversation has concluded, building on the evidence presented, I am finalising a paper to present to my Executive colleagues, outlining the ways in which higher education could be sustained in the future.

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Mo bhuíochas leis an Aire as ucht a fhreagra. Thanks very much, Minister, for your response. In what way will secondary-school students, who will be most affected by this, have an input into this consultation process?

Dr Farry: The consultation has closed, and I have outlined to the Member the different ways in which people could make their views known. That included online opportunities as well as the opportunity to submit formal responses. I also stress to the Member that, to an extent, he is correct when he talks about secondary-school children being most affected by this, but there are many other stakeholders who will be affected by this situation, including businesses in Northern Ireland and wider society. Our future economic potential will also be affected. What is at stake in what is happening to higher education is extreme, and it is important that, over the coming weeks, the Executive can find a solution that will be sustainable in the long term.

Ms Ruane: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Does he accept that proposals to increase tuition fees would have a negative impact on his Department's commitment to widening access to people from disadvantaged areas? We have just heard from the Minister of Education about the increase in the number of young people in west Belfast getting better qualifications. Does the Minister accept that his proposals to increase tuition fees could disadvantage pupils from deprived areas?

Dr Farry: First, let me be very clear: I have not proposed an increase in tuition fees. I have simply outlined the fact that our current system is unsustainable. My first priority is to ensure that we have a sustainable system for our future economy and society, and to give young people opportunities. Until we can find a solution on which there is political consensus, all options remain on the table. At this stage, I am not advocating an increase in tuition fees.

On a purely stand-alone basis, I concur with the Member when she says that a rise in tuition fees would have an impact on widening access and deter some from accessing higher education. However, it is only right and proper that we make clear that the cuts that the Executive imposed on my Department, which I, sadly, had to pass on to universities, have already had an impact on people's ability to access higher education. We have a situation in which we have fewer places on offer from this year, which means that some people will be forced to go to Great Britain or elsewhere in the world, often having to pay higher tuition fees than would be on offer in Northern Ireland. In some cases, people have had no opportunity to go to university at all and have lost out on a life-transforming opportunity. We are seeing very real costs already in this respect, and those from the more marginalised and vulnerable sections of our society will be impacted most by the loss of places. While we are hearing potential figures of cuts to Departments coming up, it is important to recognise that, if we see a similar situation arising for our universities for this forthcoming academic year, we will see a further reduction in places, which will have another detrimental impact on people's opportunities and our widening-access targets.

Mrs Overend: Does the Minister intend to make his recommendations on the funding of further and higher education this side of the election, or was the Big Conversation a big delaying tactic to avoid potentially unpopular decisions?

Mr Kennedy: Hear, hear.

Dr Farry: I hear a former Minister who did exactly that in parking a decision to the far side of an election saying "hear, hear". Clearly, we know where the form lies in that regard. I think that my Department was chosen last because the political hot potato of tuition fees was left unresolved until after the Assembly election. What happens is very much in the hands of the Executive and the Assembly, but let me be very clear that I am determined to get this issue resolved. We cannot afford to park this issue; our universities are bleeding already. We have issues that, if unresolved, will undermine our credibility as an investment location. We are about to have a question on a lower level of corporation tax. Already, our investment narrative is in jeopardy because we do not have a clear outcome on the sustainability of our higher education system.

I am doing sterling work to resolve these issues. We will have a paper before the Executive within weeks, so there is an opportunity for all parties to take a responsible decision on the best way forward. There are clear choices that we can make. Tuition fees remain an option open to the Executive, but they also have the option of doing something more in line with what happens in Scotland, where more money is redirected from the block grant into supporting universities, so that is another option that is available. Of course, this is happening in the context where money is being taken out of our budgets to have a more generous welfare system. That may or not be the right thing for us to do, but that is what is about to happen. We have a host of other populist decisions being taken on other public services and other types of commitments. It is in that context that we have to see what will be doable. It is up to the Executive over the coming weeks to try to take a decision on what will happen in the here and now.

Ms Lo: The Minister mentioned the Executive's decision to lower corporation tax in 2018. Given that decision, what scale of investment is required now for our young people in anticipation of more inward investment coming online?

Dr Farry: I thank the Member for her question. To put this in context, it may be useful to see three or four different elements in this. First, we have the cut to higher education that was passed on for the 2015-16 financial year, amounting to £16.1 million. We have a pre-existing structural deficit in our university funding that amounts to about £39 million. That

is based on a comparison between the money that we are investing per student in Northern Ireland relative to the rest of the UK. Thirdly, we have to look to what potential expansion we need to see for higher education to meet the needs of investing companies in response to lower corporation tax.

As we have already heard, there are ambitions to expand the Ulster University at Magee. While we are still awaiting the business case, it is likely that we will be talking about a figure in the region of £30 million per annum if we are to see the expansion in line with the One Plan targets. Very quickly you can see that we are talking about a figure in excess of £80 million a year being required to have a sustainable higher education system in Northern Ireland that meets the needs of our economy, both today and, more importantly, where we hope to be tomorrow.

Ulster University: Redundancy Funding

5. **Mr Dallat** asked the Minister for Employment and Learning for an update on the redundancy process at the Ulster University. (AQO 9221/11-16)

Dr Farry: While my Department provides funding and sets the strategic direction for the higher education sector, universities are autonomous and responsible for their own staffing levels. However, I have had ongoing discussions with the Ulster University in relation to the possible implications of the budget reductions and have been briefed on the redundancy process by the vice chancellor on a regular basis.

The university has already indicated the scale of the job losses over the current academic year and over future years. The size of the cuts is a clear indication of the severity of the budget reductions faced by my Department, the university and the higher education sector.

Ulster University has reported to my officials that the deadline for expressions of interest in the voluntary severance scheme closed on 30 October, and they are now liaising with the deans of the affected faculties before beginning the process of staff engagement.

3.00 pm

Mr Dallat: Does it not break the Minister's heart that he has been responsible for reducing funding to the universities at a time when the

whole world is telling us that the only way that we can create jobs for people who are travelling to the four corners of the world to find work, because the work is not at home, and the very thing that would be the driver to create the jobs has been starved of the oxygen of life in Coleraine and Derry in particular?

Dr Farry: Let me be very clear: the decisions regarding my departmental budget were taken at Executive level, and I was deeply concerned about a whole range of issues around the budget.

I ask the Member to reflect on his party's approach to how we are addressing our Budget issues, because his party, like others, is very clear that it is not prepared to consider any additional revenue raising for Northern Ireland. Parties are very clear that they are not prepared to consider tackling the cost of a divided society; we could not even begin to address divisions in our teacher training system earlier this year.

We are not adopting a strategic approach to Budget setting. Parties are making more and more demands about what they want to spend money on. We are seeing a situation where money is going to be taken out of our block grant for welfare. We are seeing people making commitments ahead of even a full assessment of all the different needs; that we must protect health at all costs, rather than engaging in any health programme. Then people wonder why we have a situation where we are having cuts to our skills budgets and why we are seeing cuts being passed on to universities.

If people are genuinely concerned about this issue, it is important that they have a fundamental reassessment of how they are resourcing all that we need to do to fund our public services, including our universities, as well as how we fund the transformation of our economy. I encourage the Member and those in all parties to think very seriously about these issues over the coming weeks.

Skills: NI Workforce

6. **Mr Anderson** asked the Minister for Employment and Learning to outline how he will ensure Northern Ireland has a well-skilled workforce capable of attracting inward investment when the rate of corporation tax is reduced in 2018. (AQO 9222/11-16)

Dr Farry: It is essential that we are well placed to derive the full benefits of a 12.5% corporation

tax rate, which could significantly increase the number of jobs locally that would otherwise be produced. However, a lower rate will not transform the economy in isolation of investment in, and a coherent focus around, the key economic drivers of skills and employability as the bedrock of economic success. It is crucial that we maintain and increase our investment in skills if we are to derive the benefits of a lower rate.

Research commissioned by my Department highlights, in particular, the importance of strong skills in science, technology, engineering and mathematics (STEM), management and leadership, literacy, numeracy and employability skills and the importance of acting quickly to meet the skills and needs of employers in a lower corporation tax environment.

These are issues that my Department is already working to address, and they are central to the overarching skills strategy. However, although the Department is already on the right path, there will be a need for further investment to address the quantum of skills required. My Department has developed a draft action plan to direct our skills interventions in preparation for, and in response to, a lower rate. This covers existing policies and programmes such as the following: investment in STEM skills; the implementation of the new apprenticeship strategy and, in particular, the supply of skills at level 3 and above; developing new pathways, such as higher level apprenticeships or working in partnership with Invest NI to promote foreign direct investment; the further development of careers provision and the work to upskill the existing workforce. Together with information from the recently published skills barometer, this will provide a strong basis to articulate and address future skill needs and help to ensure that we realise the potential for a lower rate. However, in order to ensure that we maximise this economic opportunity, it is essential that an appropriate level of investment in skills is restored, that the structural deficit of underfunding in higher education is addressed and that we invest in additional measures to ensure we meet the forecast skills demand.

The financial analysis undertaken indicates that the total additional cost may be in the region of an average of £111 million per annum over the next 15 years or a total of £1.67 billion through to 2030.

Mr Anderson: I thank the Minister for that response. How do you plan to help existing businesses to prepare for the corporation tax reduction in 2018, especially in areas such as

staff training, and I know that you have already mentioned apprenticeships? Can you give an indication of how your Department will work with DETI in preparation for 2018?

Dr Farry: On the latter point, we are due to have some discussions tomorrow as part of the Executive's subcommittee on the economy. That will, hopefully, begin to crystallise some of these discussions, and I know that discussions are happening at official level already in that regard. It will be a case of upscaling some of the existing interventions, for example, what we are doing around the apprenticeship strategy, and we have spoken at length about the importance of the funding of universities.

Another area that is worth highlighting is the importance of management and leadership skills. As we bring more and more high-value investments into Northern Ireland, a greater premium will be placed on management and leadership. Sadly, we have had some severe cutbacks to existing provision over the past couple of years. That will need to be reversed. We are also conducting a review of management and leadership at present. Hopefully, that will be concluded before the end of this mandate.

Mr Rogers: Minister, will you concede that, particularly at the beginning of the lower rate of corporation tax in 2018, there might be a fall in tax intake? Do you believe that that would have a detrimental effect on the funds available for your employability schemes and training schemes at a time when you need greater funds for those?

Dr Farry: It is almost certain that there will be a fall in the resources available to the Executive. Anyone who has looked at the figures on this will know that we will be looking at a figure that will progressively rise to one in the region of perhaps £250 million to £300 million per annum. Over time, more and more revenue will be generated in Northern Ireland as we see a much greater level of economic activity being sparked by lower corporation tax. We have a dilemma in that it is very clear that we have to invest more in what we are doing around skills if a lower corporation tax rate is to be successful. If we do not invest in skills, that simply will not be the case. That same logic applies to further investments in infrastructure and some reforms to the planning system, but the real dilemma that the Executive will have is that the increase in funding needs to happen now. That will happen at a time when we are seeing cuts to the block grant and money being taken out of our block grant for additional flexibilities around

welfare, and we also have to make up the deficit from lost revenue from a lower level of corporation tax.

Enabling Success: Update

7. **Mrs Dobson** asked the Minister for Employment and Learning for an update on Enabling Success. (AQO 9223/11-16)

Dr Farry: Enabling Success, the Executive's new strategy aimed at reducing the level of economic inactivity in Northern Ireland, was published on 20 April 2015. The implementation of the strategy over the proposed 15-year period is based on 11 key projects that are to be managed and resourced on a cross-departmental basis. However, due to the ongoing pressure on budgets and the subsequent absorption of those pressures through departmental baselines, the Enabling Success strategy remains largely unresourced and its implementation severely hindered. In my Department, there has been a reduction to departmental baseline funding of 8.4%, totalling £63.3 million, in 2015-16.

A research mapping exercise of economic inactivity service provision in Northern Ireland aimed at the strategy's key target groups has been completed. In addition, the Department for Social Development leads on a pilot project in the new Derry City and Strabane District Council area. That pilot project received funding via the Executive's change fund for 2015-16, and it is based on early and more intensive engagement with new claimants of employment and support allowance.

The remaining cross-departmental projects have yet to commence due to the lack of financial and other resource allocations. Updated indicative project costs have been provided for the ongoing discussions between the Executive parties. Should the Executive secure additional finance to enable the full or part implementation of the strategy, a new implementation plan and timetable will be agreed between the relevant Departments.

Mrs Dobson: I thank the Minister for his update. As we know, it has long been established that there are areas of Northern Ireland with unacceptably high levels of economic inactivity. As you say, you launched the strategy with a statement in April. As has recently been reported, it is largely unresourced, and many of the projects have not commenced due to lack of resources. Minister, are you content to be associated with

monumental failure and lack of prioritisation from the Executive?

Dr Farry: This is a collective failure across the piece because the Executive have not been in a position to direct resources in that regard.

The Member's party was present when those decisions were taken. Since her party left the Executive and went into so-called opposition mode, we have not seen an alternative narrative that would lead to resources being available for us to invest in the strategy.

There are two potential sources of funding looming on the landscape, neither of which is definite by any stretch of the imagination, but they are worth exploring. First, the Executive now have the money that was originally set aside to mitigate the effect of the loss of tax credits, and about which decisions have still to be made. Anything we do to invest in our economic inactivity strategy is about removing people from welfare by encouraging them into work in a supportive manner. That is consistent with the wider welfare reform process, which is about tackling the causes rather than simply dealing with the symptoms of people stuck in a spiral of welfare and lack of opportunity.

The second also lies in the Fresh Start deal, where reference is made to new measures to address error and fraud in benefits in Northern Ireland. Through an annually managed expenditure/DEL switch, the Northern Ireland Executive have the potential to receive 50% of the savings that accrue to the Treasury through successful efforts in that regard. That deal makes reference to addressing some elements of work and health well-being as being one possible route through which those resources could be deployed.

Those are discussions that we have to continue with at Executive level, but those are two potential avenues through which resources could be made available to commence work on that strategy.

Mr McKinney: Given the Minister's answers, I am assuming that the new mental health strategy is also being negatively impacted, as the Enabling Success strategy also aimed to encourage positive mental health through work.

Dr Farry: As I said, at this stage we have only one potential pilot programme operating through DSD. The rest of the strategy is parked, pending the allocation of resources.

I would like to think that resources will be made available. This is an important area and a major structural problem in our economy in Northern Ireland. It is imperative that we press on and seek to address this. This is a much more beneficial way to address the situation where people unfortunately find themselves on welfare. Many who are on welfare want to engage with the world of work but are coming across barriers that are preventing them from doing that. We want to see how we can tackle and remove those barriers.

Mr Principal Deputy Speaker: Mr Edwin Poots is not in his place. Mr Ian McCrea is not in his place. I call Mr Robin Swann.

Trainer Certification

11. **Mr Swann** asked the Minister for Employment and Learning whether he has considered any change to the certification required for trainers involved in delivering courses supported by the European social fund. (AQO 9227/11-16)

Dr Farry: The Department's key priority in developing any element under the 2014-2020 European social fund (ESF) programme is to ensure that the participants receive the best possible training and education available to them. Any departmental requirements of qualifications for teaching or tutoring staff apply to tutors in further education college settings and providers of the Training for Success programme, as well as educators in the ESF projects.

In each of those contexts, the primary rationale is to ensure quality and consistency throughout education and training across Northern Ireland, and to provide a guaranteed minimum level of quality in our teaching. We cannot, and should not, lose sight of the fact that the participants on ESF projects, and therefore the quality of training they receive, should remain our primary focus.

My officials are continuing to consider a paper submitted on this issue by the Northern Ireland Council for Voluntary Action and will respond in due course, but it is important that the rationale for the introduction of that requirement is clearly understood.

Mr Swann: I thank the Minister for his answer. Can the Minister then inform those organisations that are waiting how to get a tutor in CSR and first aid cards, and an organisation that is recognised by OCR, when that teaching qualification does not reflect that?

Dr Farry: I thank the Member for his question and those comments. We made clear to our officials that we want them to work through those practical issues that are being raised by organisations. I am aware of the concerns that have been expressed around, for example, capacity issues and how other qualifications are being recognised. We are looking to see how we can work through those issues in a constructive way to reach a resolution. I stress to the Member and the Assembly the importance of ensuring that we have quality. I am sure that everyone shares that objective. Right across our education and training system, we want to make sure that those providing the training are operating to the very highest standards. I accept that there can be different ways in which that can be assessed and accredited.

Mr Principal Deputy Speaker: That ends the period for list of questions. We move to topical questions.

3.15 pm

Further and Higher Education: Fresh Start Advantages

T1. **Mr McKinney** asked the Minister for Employment and Learning whether he can point to any advantages for those who access further and higher education in either the Fresh Start Agreement or the November monitoring round, given that he will be aware of the intensive talks leading up to that agreement, which had mixed outcomes. (AQT 3211/11-16)

Dr Farry: On the surface, no, but I was not expecting any huge commitments in those regards. This was meant to be a political deal, and insofar as that was the bar, it was a deal in some respects between some parties, covering some but not necessarily all areas. Like the Member, I would have liked a stronger general commitment to how we can better invest in and plan our economy. I would have liked the agreement to set in train a process by which we could have a better planning process that draws on international experience and allows us to benchmark our progress in Northern Ireland. The omission of that was, perhaps, a lost opportunity. However, I was not expecting any particular lines on or commitments to further or higher education, although those would, in due course, have been picked up through the more general process of the promotion of economic prosperity and opportunity.

Mr McKinney: Does the Minister agree that, for corporation tax to work properly and benefit all in society here, we need a highly skilled economy with high productivity and high wages, and that his recent cuts to university places is entirely counter-strategic to the introduction of corporation tax here and to that ambition?

Dr Farry: I entirely concur with the sentiments that the Member has expressed, and, indeed, that has been a major focal point of Question Time to date. I simply echo the point that I made: it is important that, as we look ahead to making our own Budget decisions over the coming weeks and months, we very much have in mind some of the things that have been done in the past and the requirements of the future. It is important that we start now to invest more in skills. Simply waiting until 2018 to do so will not be effective. We now have a two-year window, and it is important that we send a very clear message that Northern Ireland is open for business from day one of people looking to make investments on the basis of the lower corporation tax rate.

Funding Bids

T2. **Mr G Robinson** asked the Minister for Employment and Learning to confirm whether his Department has applied for any of the £240 million from tax credits to alleviate some of the cuts it is facing. (AQT 3212/11-16)

Dr Farry: I thank the Member for his question. At this stage, we have not been invited to make bids by the Executive as a whole or by the Minister of Finance and Personnel. Decisions on how that money will be reallocated are still to be taken by the Executive. I stress that there are many ways in which we can help those who are most vulnerable and marginalised. Mitigation of the Tory welfare policies being pursued in Great Britain is one such way, but we have to take a balanced approach. Further investment in public health, early years education, as well as investment in my areas of responsibility — employment schemes, training schemes, opportunities in further and higher education — are all very important in giving people the opportunity to move off dependency on welfare and progress in life. It is important that there is balance in the approach that we take.

Mr G Robinson: This may be a bit hypothetical, but, if the Minister's bid was successful, would that money go back into universities whose funding has already been cut?

Dr Farry: I congratulate the Member on his bravery and on trying to entice me along those lines. There are a lot of ifs in that chain of logic. Things can be done differently to help those on welfare, and we have had discussions on economic inactivity. If a decision were taken to redirect those resources, that type of intervention — something to help those who are unemployed and, in particular, the young and long-term unemployed — would be most relevant, in that people could see the transparency of money moving from one intervention to another.

Comments were made about upskilling and higher education. These have to be the subject of freestanding Executive commitments because they are core requirements for us in delivering a successful economy. I do not think that it is a case of simply moving money from tax credits into higher education, as tempting as that is. Higher education must stand on its own two feet and be seen as part of the core responsibility of the Executive for upskilling and having a successful transformed economy.

Maintenance Grants: Retention

T3. Mr Lynch asked the Minister for Employment and Learning whether he is minded to retain maintenance grants. (AQT 3213/11-16)

Dr Farry: At this stage, there are no plans to change the situation with maintenance grants and, even if there were, there would be a lead-in time to bring secondary legislation through the Assembly. I think that it is important that maintenance grants stay in place. They are important to help widen access. Scotland, which I visited last week, has moved to funding maintenance more through loans than grants. There are ongoing debates about how well they are doing in widening participation. Obviously, the UK Government have proposed the removal of maintenance grants in England. Exactly what that works out as in negative Barnett consequential for Northern Ireland remains to be seen, but the decision on whether to keep maintenance grants in Northern Ireland will be taken by the Executive collectively. My working assumption is that people will want to continue the status quo because that is more in keeping with the particular circumstances in which we find ourselves in Northern Ireland.

Mr Lynch: Gabhaim buíochas leis an Aire as an fhreagra sin. I acknowledge what the Minister has said about the importance of maintenance grants. Would he say that they

are vital in supporting students from less well-off areas in further and higher education?

Dr Farry: Yes, that is very much the logic as to why they are there and for the commitment to them. Resources have been tight over the past number of years as part of the wider tuition fees settlement, and we have not had the same opportunity to invest in maintenance because the resources have simply not been there. However, maintenance grants are an important tool in their own right for ensuring that we attract people from a range of backgrounds into higher education. It is crucial for the future of our economy that the ability to pay is not seen as a barrier to participation in higher education. Access to higher education should be based on merit and on people's ability to learn and to gain from the experience.

Nurses

T4. Mr Douglas asked the Minister for Employment and Learning whether his Department has any plans to train people for nursing jobs in Northern Ireland, given that, at a meeting this morning with staff and management from the Four Seasons care homes to discuss the closures, one problem that they identified was a lack of trained nurses in Northern Ireland. (AQT 3214/11-16)

Dr Farry: It is important that we draw a distinction between the types of roles that are available in residential homes. As the Member will appreciate, nursing and the training of nurses are matters for the Department of Health. It sets the numbers and provides the finances. I have no doubt that the Member's colleague will be aware of that. There are, of course, other roles in health and social care where my Department can play a role. The Member will be aware, for example, of the new youth training system that we launched in June this year. I expect that health and social care will be a major strand in the future needs of our economy. The new work-based learning approach that we are putting in place will hopefully be very attractive to a lot of young people, especially those leaving school at 16 who want to find new opportunities.

Mr Douglas: I thank the Minister for his answer. I am aware that the Open University has contacted your Department about potential courses. Will the Minister consider widening access to nursing courses by removing means-testing for financial support for students undertaking modules K101 and K109?

Dr Farry: Again, those are largely matters for the Minister of Health to take forward. However, there is a common approach across the Executive to ensuring that we have wide access to higher education.

Nursing is obviously a key sector in our economy. The Member will be aware that, for example, we published a skills barometer on 12 November and that health and social care, particularly nursing, was identified as a key pressure point in our economy. We have a clear need, so it is important that we put in place policies that do not deter people from going into those areas, and, in doing so, we facilitate people and encourage them into those areas.

City Deals

T5. **Mr Attwood** asked the Minister for Employment and Learning whether he agrees that one of the multiple missed opportunities in the Fresh Start Agreement, not least that two party leaders engaged directly with the Prime Minister, was the failure to make any progress whatsoever in respect of city deals — a regional city deal for Northern Ireland or, indeed, a university city deal for Northern Ireland — given that the Chancellor has said very clearly that there is no issue of principle with that model being employed here. (AQT 3215/11-16)

Dr Farry: It is only the last aspect of that question that directly falls under my responsibilities as Minister for Employment and Learning. We had a debate in the Assembly a few weeks ago about the concept of city deals, and people are open to exploring those. It is important that we fully appreciate exactly how they will work, whether additional resources will be provided or whether we will repackaging resources that are already in our gift.

We have seen progress in university development in Belfast, and I appreciate that there is also a hunger for university expansion in the north-west. The funding for Belfast is already in place, but there is uncertainty as to how we will facilitate any expansion in Derry if that is what the business case indicates as the appropriate way forward. If we have innovative ways as to how that can happen, I am very happy to consider them.

Mr Attwood: Given that last comment in particular, the fact that there is to be a Budget for 2016-17 and that Programme for Government preparations are already under way, will you as Minister commit in the next financial year and thereafter to take forward a

proposal for a university city deal in the Programme for Government, certainly for Derry if not for other cities in Northern Ireland, so that the door that seems to have been closed in the Fresh Start Agreement will be reopened?

Dr Farry: I need to be conscious about my lifespan as a Minister and what I will do. I can comment only on what I can do in my capacity as Minister through to May of next year. It is likely that we will consider a one-year Budget in the first instance rather than necessarily going for a full five-year Budget. In that way, full account will be taken of the elections and incoming Ministers thereafter in future Programmes for Government.

The Member can take some assurance from the fact that those types of innovative interventions need to be examined by the Executive as a whole. If we do not fully explore all the opportunities that are before us, we will potentially miss opportunities. His comments will be well heard. I expect that those opportunities will be fully scoped out, whether by me or others, now or in the future.

Irish Language Degree Course

T6. **Ms McCorley** asked the Minister for Employment and Learning whether the decision to end the full-time Irish language degree course was wise, given the huge success of the Irish language, its growth, the Gaeltacht Quarter and the hugely successful Irish-medium education sector, with so many children in the city being educated through Irish. (AQT 3216/11-16)

Ms McCorley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo.

Dr Farry: Let me be clear: it is not my place to say whether it was wise or unwise. It was the university's decision to make. As the Member is fully aware, the context that it found itself in was not one of my making; it was certainly not one of its making, and very difficult choices had to be made.

It is also important to bear in mind that we have not actually seen a reduction in the full-time opportunities for Irish. What has happened is that the provision has been consolidated in Derry, and we have seen the removal of the full-time provision from Belfast. In the future, that situation may be restored, but I never fail to be amazed at the concern expressed about courses being moved into the north-west, given that Sinn Féin in particular has been very keen

to see Magee developed more and more as part of our higher education landscape.

3.30 pm

Question for Urgent Oral Answer

Health, Social Services and Public Safety

Care Home Closures

Mr Principal Deputy Speaker: Mr Chris Lyttle has given notice of a question for urgent oral answer to the Minister of Health, Social Services and Public Safety. I remind Members that, if they wish to ask a supplementary, they should rise continually in their place. The Member who tabled the question will be called automatically to ask a supplementary.

Mr Lyttle asked the Minister of Health, Social Services and Public Safety to outline the action he is taking to assist the residents and staff affected by the proposed closures of local Four Seasons care homes.

Mr Hamilton (The Minister of Health, Social Services and Public Safety): First, I should say that Four Seasons Health Care has taken a business decision to close those homes. That decision was taken independently of the Department and the Health and Social Care Board, and we had no input to the analysis conducted by Four Seasons that led to the decision.

I fully appreciate that the closure of seven nursing homes by Four Seasons Health Care will impact on many residents and their families, and will cause great anxiety and uncertainty for those directly affected by the closures. My Department is working closely with colleagues in the Health and Social Care Board, the health and social care trusts, the Regulation and Quality Improvement Authority (RQIA) and Four Seasons Health Care in developing plans to manage the transition to alternative care arrangements. The aim is to ensure that any relocation will be managed, with minimal disruption to residents, and that they are able to remain as close to their original location as possible. The continued well-being of residents will be the priority in dealing with the transition to alternative care arrangements.

My Department has established a joint working group with the Health and Social Care Board, the RQIA and the trusts to monitor developments and oversee the resettlement of the residents affected by the closures. Within the trusts, multidisciplinary teams have been established to work through the detail of all the

moves to identify new placements and to manage the terms of all the moves. You will appreciate that that is a complex and difficult task, and team members will therefore be drawn from across the trusts. Staffing is a matter for Four Seasons Health Care as their employer.

Mr Lyttle: I thank the Minister for his update, but given that we have had warnings of crisis in the care sector for some considerable time and people have cited declining trust aid, rising staffing costs and a shortage of nurses as main reasons to point towards a lack of adequate long-term planning and sourcing for care, should we conclude that the Minister has been caught asleep at the wheel on this issue? Most importantly, having met staff and residents at care homes whose primary concern is the impact that closures will have on the residents' health and well-being, I ask what options the Minister can actively pursue to avoid a need for residents to leave their homes, to prevent the detachment from staff on whom they rely and, at the very least, to limit the damage that that dislocation is going to cause for vulnerable people in our community, many of whom are dementia care patients?

Mr Hamilton: Given the fact that it is an incredibly serious issue that affects 254 residents and their families, and, indeed, over 300 staff, it is disappointing that the Member, in his opening comments, chose to make a baseless political attack on me. It is absolutely disgraceful that, on such an important issue, the Member seeks to do that without any justification whatsoever.

I am aware that there is a range of issues facing the sector. The Member mentioned some of them around staffing issues and a shortage of nurses, which is something that that sector, all sectors in health and social care, and, indeed, all parts of the United Kingdom and far beyond, are facing. I am aware that there are concerns expressed by the sector about the impact, for example, of a national living wage, which has not been implemented yet and therefore had no direct bearing on this set of circumstances.

I was and am aware of the issues pertaining to this particular provider. That is why pointing the finger of blame in my direction, as the Member has sought to do, is completely baseless. A recent media report highlighted the fact that Four Seasons is a particularly indebted company, which, according to a recent report in 'The Guardian', is paying more than £50 million a year in interest on debts of £500 million. Paying over 10% on your debts is an incredibly

high rate for any firm and makes it very difficult for a company of any size to deal with, even the biggest care provider in the UK. Particular issues with the company's finances and debt led it to take this decision.

My job is to work with Four Seasons as best I can and ensure that the whole health and social care family, as I outlined, works with the company to minimise the disruption that will be faced by the 254 residents and get them appropriate new accommodation as close to their current location as possible. I will make sure that the trusts, the board and the regulator all work together and closely with Four Seasons to make sure that what is a very difficult period of uncertainty and anxiety for those residents is not made any more difficult.

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

Mr McKinney: I am glad that the Minister has reflected on the financial nature of the company at the centre of all of this, because that only underscores that the Minister knew and knows intimately of the pressures on this company and, therefore, of the threat to the 254 residents and 300 staff. Will the Minister now reflect again on the perilous nature of the situation that those staff and patients face as a result of the continued mechanism, if you like, of private sector provision? Will he now begin to underscore that it is the public sector that can intervene most profitably for patients in this case?

Mr Hamilton: Let us not conflate the issues. The homes looked at more recently by various trusts were, of course, residential care homes. These homes are more on the nursing care side, where a very different level of care is provided to meet the needs of residents. Last week, I took a decision to halt and review consultations on the potential closure of some statutory residential care homes. It was only right to do so in a period of obvious volatility in the market, when the biggest provider in the independent sector in Northern Ireland is in the difficulties that it is. I think that it was only right that I paused, reflected on and carefully considered the whole range of circumstances.

The Member's point about the care provided in the public sector is right, in that the public sector provides a very high standard of care, whether nursing or residential. However, that does not mean that the standard of care provided in the private sector is any less high quality. Unfortunately, debates such as this can sometimes be seen as knocking the private or

independent sector. The Member is shaking his head, and I appreciate that he does not perhaps mean or seek to imply that, but we should acknowledge that our independent sector plays a vital role in providing care, whether residential or nursing, for many older people across Northern Ireland. It will continue to do so into the future. Many great people work in that sector to ensure that our older people get the quality and standard of care that they require.

Ms Maeve McLaughlin: I thank the Minister for the answer to the question. Specifically, does he agree now that this is perceived as a failure in planning for our ageing population by him, his predecessors or those with departmental responsibilities? Will he clarify whether the halt in the review process will allow readmissions to some statutory care homes?

Mr Hamilton: I do not accept the premise of the first point about a failure by me or my predecessors. The issues with the particular provider that is closing the seven homes developed over the recent while. Although we have been aware of difficulties that it was facing, we were not aware until very latterly that, specifically, it was to close the seven homes indicated last Tuesday. I do not accept that there was much that I could have done, as Health Minister in a devolved region, to bail out a company paying over 10% on its debts and in such a difficult financial position.

There was probably very little that I could have done to arrest that.

In respect of reopening admissions, some of the consultations undertaken by the trusts on statutory residential care homes recommended that some of those homes be kept and reopened for admissions. I want to see that proceed, but I am open to the idea of reopening admissions in particular areas if that is the appropriate thing to do. It is not something that I can say authoritatively is the best thing to do in every case, but it is certainly something that I would like the board and the trusts to reflect on in the current circumstances with the volatility that there is in the market. If it is the right thing to do, I hope that they will do it.

Mr Easton: Is the Minister aware of any outside providers showing an interest in taking over the homes?

Mr Hamilton: While some might wish to use this example of a firm that has had well-publicised difficulties to have a go at the independent sector and say that it is not the

best way to provide care for our elderly people, I understand from media reports in the immediate aftermath of the announcement by Four Seasons to close the seven homes that other firms have indicated a desire to look at them, take them over and run them as a viable business. That has certainly been in the public domain. I have also met other independent providers who are not in the Northern Ireland market but are expressing an interest in being in it. Whilst there has been an issue with one provider and its viability, there are others expressing an interest in the seven homes and in coming into the Northern Ireland market. Whilst we are very concerned about what is happening with Four Seasons and are keeping a watching brief on it, there are others in the independent sector who see opportunities in Northern Ireland.

Mrs Dobson: I thank the Minister for his answers. Being parochial, I must say that the closure of Donaghcloney Care Home in my constituency will affect 65 families — 24 residents and 41 staff — in the month of Christmas. What impact have the wage-rate bands for carers in the private sector and, as we said earlier, the difficulty in obtaining a sustainable supply of nurses had in the closure of the homes? Will you update the House on the discussions that you have had with Four Seasons, which, I gather, took place this morning, on these issues, which, if not addressed directly, could result in further disappointing announcements?

Mr Hamilton: I have not yet met Four Seasons. The Department has been aware of issues with Four Seasons for some time and will continue to discuss them with the company on an ongoing basis, particularly the impact of closing the seven homes. The Member is right to highlight the impact that it has on very vulnerable individuals and the concern that that will cause their families; she is also right that it is a particularly difficult time of the year. That is why I want to see my Department working very closely with others in the health and social care family and directly with Four Seasons to ensure that the disruption that there will be is minimised and that people can be accommodated in suitable accommodation as close to their current location as possible.

In answer to the questions about the impact of wages and a shortage of nurses on this decision, I think that it has been minimal. The reality of the situation with this provider is as I have outlined, with well-publicised media reports on its indebtedness and the impact that that is having on its profitability, which gives us some cause for concern.

I do not for a second denigrate or seek to diminish the issues that the Member raises about the availability of nurses or about wages and the impact that a national living wage may have on this and other sectors in health and social care, but the direct impact on this issue has been minimal. What has driven the firm to announce these closures and other closures across the UK is the fact that it is a heavily indebted private company that is having to take these decisions to ensure its longer-term survival.

3.45 pm

Mr Dickson: Thank you for your answers so far, Minister. Given your undertaking to the House this afternoon to work with relatives to ensure that residents are provided with the best possible care in alternative accommodation, can you assure the House that you will not oversee residents from these homes going into establishments that have been highly criticised by the RQIA, like Cherry Tree House in Carrickfergus? Will you undertake, as your predecessor failed to do, to meet me and get appropriate outcomes for the people who feel very let down by Cherry Tree House nursing home?

Mr Hamilton: I know that the Member has an interest in that home. He has corresponded with me about it, and, I think, he met a previous Health Minister — I cannot remember which one it was — about it. Obviously, we want to see standards of care in all our residential homes and nursing homes, whether in the statutory or independent sectors, at the highest possible level. I want to see the 254 residents affected by the seven closures in the most appropriate accommodation for them, which is obviously accommodation of a high standard. I will look to my officials, as they work with Four Seasons, to ensure that the residents get the most appropriate accommodation and that that accommodation is as close to where they are currently located as possible. I do not think that anybody would want to see them in accommodation or homes that are not suitable for them or are not good homes providing good standards of care.

Mr Principal Deputy Speaker: Rightly, there is a high level of interest in the matter. I ask Members, when they are called, to keep their question short so that we can get the maximum number of questions answered by the Minister.

Mr Buchanan: How much does the health service provide for the care of individuals in these homes on a weekly basis?

Mr Hamilton: A tariff is worked out on annual basis with the Health and Social Care Board and the sector. It differs between residential care and nursing care: £470 per week is provided for those in residential care and £593 per week is provided for those in nursing care. While there are perhaps some differences in other UK regions and some local authorities paying a little bit more, my understanding is that the rates compare pretty favourably with those provided across the United Kingdom.

Mr Principal Deputy Speaker: I call Mr Cathal Boylan.

Mr Ó hOisín: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. The Minister has said that he will endeavour to minimise the disruption to residents, staff and families, but I wonder how that is possible in places like Garvagh, where the nearest available nursing home spaces might be as much as 30 or 40 miles away.

Mr Hamilton: Mr Boylan has changed somewhat in the last number of days. He may have become a ventriloquist, using somebody else and throwing his voice. I am sure that that is the question that Mr Boylan would have asked anyway.

I appreciate there will be difficulties in doing this. It is not an easy undertaking to move 254 residents in pretty short order. It highlights the difficulties that have arisen because of a decision taken by Four Seasons to do this for its own commercial reasons. All that I can say is that I will ensure that everything that can be done to minimise that disruption is done. It is in nobody's interest to have residents, who are vulnerable people, being caused confusion and anxiety by the fact that they have to move. Nobody wants to see them traumatised any further. We want to minimise the disruption and ensure that they are moved to appropriate accommodation as close to their current location as possible. I appreciate that that will be tricky in some cases, but the Member, the House and, more importantly, the residents have my categorical assurance that we will do our very best.

Mrs Cameron: How does the Minister make assessments on the potential volatility of the independent sector market?

Mr Hamilton: There are obviously concerns created by the particular circumstances of Four Seasons that raise issues around the current volatility in the sector. That is why it was important that I decided last week to halt and

review the consultations in respect of statutory residential care homes.

I think that it is important that we go further than that and get a better picture. Given what has happened with Four Seasons, given what representatives of the sector have said in the media, without any substantiation, I might add, but worth listening to nonetheless, and given the issues that are looming around wages, a national living wage, and, indeed, the provision of appropriate nursing staff, it is only right and proper that we reflect on the current market position within residential and nursing care. As a result of that, I have asked officials to bring forward a detailed report on the care market in Northern Ireland, with an emphasis on the economic outlook and the longer-term sustainability of the current arrangements. That will be used to improve our understanding of the current challenges, and it will be used as a platform for developing our policy and operational responses moving forward. It is incredibly important that we undertake that work.

Given the issues with Four Seasons and the concerns that have been expressed elsewhere in the independent sector, it is only right that we get a view and an analysis of where the sector currently is.

Mr Boylan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. The Minister is aware of the situation in Armagh. The Hamilton care home in Armagh has 31 patients and provides 54 jobs. Will Minister give assurances that those people will be relocated, with proper care facilities, and that jobs will be retained? After all, Armagh has been renowned for the great skill sets in healthcare that have been provided down through the years, and it has seen nothing but closure and the relocation of jobs over the last number of years. I would like the Minister to give an assurance to those people and patients that he will care for them and cover the Hamilton care home.

Mr Hamilton: Unfortunately, I cannot give the assurance on jobs that the Member is looking for, because they are not my jobs to save or rescue in the way that he is asking me to do. These are people who are employed by Four Seasons. I look to Four Seasons to act as a compassionate employer in such circumstances and to do its best to relocate the staff to jobs elsewhere in the group. I think that it has made some indications that that is the intention. Staff are, primarily, the responsibility of the employer, but I think that we all would want to see them treated with dignity and respect. Equally, we

want to see residents treated with dignity and respect and, as I said in response to other Members, moved, with minimal disruption, to appropriate accommodation close to where they currently live. I know that that will be challenging, but that is certainly the aim, and it is certainly what I will be ensuring that officials from my Department, and others within health and social care, ensure happens.

Mr Rogers: I thank the Minister for his answers thus far. There are many residents and staff in Oakridge, in south Down. You made an important distinction between residential care and nursing care, and the complex needs of nursing care. What extra support will be available for residential homes if they are to accommodate some of the people who will be moved from a Four Seasons home?

Mr Hamilton: The Member is right; there is an important distinction. It is important that we follow that distinction through in terms of the question that he has asked about moving people with complex nursing needs into a residential care home. That would not be appropriate, particularly for those who have very, very complex needs. They would not get the standard of care that we all want to see them get. So, we need to be careful and mindful of the fact that the statutory residential care homes are not a solution for those who have complex nursing care needs. However, that does not mean that there may not be opportunities elsewhere in the state sector, or, indeed, the independent sector, to look after those who have complex nursing needs. That is why I think it is important to emphasise that we want to see these residents get the appropriate care that they need — in most cases, that will be nursing care — and to try to get that as close to their current location as possible. That is certainly what we will be working to, but it is not going to be a matter of moving people who have complex nursing care needs into residential care homes. That would not be right for them, and it would not be something that we could stand over with regard to quality.

Mr Kennedy: I thank the Minister for his previous answers. What discussions can he indicate have taken place between the local health trust, the Southern Trust, and those who are in charge of Hamilton Court Care Home in Armagh, in my constituency, about priority being given to ensure the safe relocation of residents to other centres of care in the Armagh area, with full consultation with relatives, and that the Hamilton Court staff who are affected will be provided with realistic job opportunities

either by Four Seasons or other healthcare providers in the Armagh area?

Mr Hamilton: Working backwards; we will be looking primarily to Four Seasons to provide other employment opportunities for its staff. That may well be, as the Member says, elsewhere within that organisation or indeed there may be a possibility, given the staff shortages that there are in different homes in different parts of Northern Ireland, for people to move into other jobs with other providers. I cannot give him a categorical list of what communications the Southern Trust has had. I will write to the Member about that. The Southern Trust, like the other trusts, is involved in the joint working group that I outlined in my original answer and indeed the multidisciplinary teams that will be set up, so there will be involvement by the Southern Trust, particularly given the impact on the Member's constituency with the home in Armagh. Again, we are looking to the trust to work closely with the board, the regulator, the Department and indeed Four Seasons to minimise the disruption that will inevitably take place.

Mr Allister: Can the Minister please clarify whether he is reviewing the weekly tariff that is paid to the independent sector? If not, and if further closures follow, could he remind the House what, in comparison, it costs to keep somebody with nursing needs within the National Health Service? Could he give us that figure?

Mr Hamilton: I have not got that figure to hand, but I will provide it to the Member and copy it to other Members. I am aware that the independent sector, principally Four Seasons itself, as one would expect, has been making all sorts of suggestions about the suitability of the tariff. We have looked at and compared the tariff to other local authorities elsewhere in the United Kingdom, and it compares favourably. I am not saying that it is the highest or that others do not pay more in some cases, but what we pay compares favourably to what is paid by local authorities across the water. Independent sector care providers may make some suggestions about the level of the tariff and the impact that that is having. I do not think that we should take what they are saying at face value. That is why I have asked for a piece of work to be done to review the state of the whole sector in Northern Ireland with the impact of the range of challenges that they are facing, whether that is around the national living wage, the availability of nurses or indeed the payments that are made to them by government. What I am doing is getting that

overall snapshot and picture of where the sector is and how stable or otherwise the market currently is, not a review of the tariff itself.

Mr Middleton: I thank the Minister for his answers so far. Can he outline whether residents or their families will be impacted detrimentally in their weekly contributions?

Mr Hamilton: Obviously a tariff is paid and many residents and their families pay top-ups over and above that for a higher or different standard of care. One of the things that I said last week — and just to try to take away some of the concerns that may well be there from this week — is that I gave an assurance that residents will not be financially disadvantaged by any move that they might make. That is because it will be difficult enough for residents and their families to deal with the situation that has unfolded in the last week without having that added pressure and burden of worrying about the fact that they are moving from one accommodation to another and there might be slightly more to pay. It is important that we dealt with that last week. That is why I gave that assurance. If the trust finds a resident a new placement, it will not cost them any more than their current placement. However, personal choice is always a key element of decisions about where people want to go. Residents remain free to make their own arrangements about their new placement, though this may have financial implications for them. If they move to similar accommodation, we will certainly ensure that they are not out of pocket any more than they already are.

Mr Principal Deputy Speaker: I ask the last Member, Mr Swann, to keep his question brief.

Mr Swann: I thank the Minister for that last answer. I attended a meeting in Garvagh Care Home. I was invited by one of its north Antrim residents and their family. My question is specifically on the Minister's last answer that families will not be disadvantaged financially.

If a resident were to move from one Four Seasons home to another, could Four Seasons add a premium and, in doing so, get paid more for the resident being in the second home than it did from the resident being in the first?

4.00 pm

Mr Hamilton: It depends. I know that the Member has taken an interest in the issue because he tabled a question for written answer to me about it.

Our job is to work with others, including Four Seasons, to get appropriate accommodation for residents. We will seek to find similar accommodation in the vicinity so that people can move with a minimum amount of disruption. As I mentioned in my response to Mr Middleton, it may be the case that, out of personal choice, some residents want to go somewhere that perhaps has a different or higher standard of care and, as such, attracts an additional payment. That is a matter for residents and their families to decide on. The assurance that I am giving is that, where they are moving to similar suitable accommodation, people will not be out of pocket as a result.

Mr Principal Deputy Speaker: Before we return to the debate on the Public Services Ombudsperson Bill, I ask Members to take their ease, while we change the top Table.

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

Mr Lunn: On a point of order, Mr Deputy Speaker. Last Tuesday, I was supposed to ask a question of the Minister of Culture, Arts and Leisure, but I was not in my place. I want to apologise to Mr Newton, the Principal Deputy Speaker, who was in the Chair; the Minister; and the House.

Mr Deputy Speaker (Mr Dallat): That will be noted.

Committee Business

Public Services Ombudsperson Bill: Further Consideration Stage

Debate resumed.

Mr Deputy Speaker (Mr Dallat): We now return to the debate on the Public Services Ombudsperson Bill. We have come to the third group of amendments for debate. With amendment No 31, it will be convenient to debate amendment Nos 51, 75, 89, 91 and 305, which deal with powers and ambit.

Clause 13 (Meaning of action taken by a listed authority)

Mr Beggs: I beg to move amendment No 31: In page 6, line 2, at end insert "(d) any person appointed by a Northern Ireland Minister to a position in the Northern Ireland Civil Service as a special adviser if the listed authority is a Northern Ireland department,".

The following amendments stood on the Marshalled List:

No 51: In clause 22, page 9, line 11, leave out "Assembly Commission" and insert

"Office of the First Minister and deputy First Minister".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

No 75: In clause 30, page 11, line 29, leave out from ", and" to end of line 31 and insert

"(8) The Ombudsman shall, on receipt of a request from any person, ensure that that person shall be represented in the investigation by counsel, solicitor or otherwise."— [Mr A Maginness.]

No 89: In clause 34, page 13, line 25, leave out paragraph (b).— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

No 91: In clause 34, page 13, line 27, leave out subsection (2).— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

No 305: In schedule 7, page 45, line 40, at end insert "(b) paragraph 16 (advisers) applies in relation to the functions of the Commissioner

under this Part as it applies in relation to the functions of the Ombudsman under the 2015 Act,"— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Mr Beggs: I open the debate on the third group of amendments by highlighting my concerns, particularly with clause 13. I will concentrate my comments on amendment No 31, which was tabled in my name.

Why do I have concerns about the current wording in the Bill, and why do I think that an amendment is required? First, I will highlight how inappropriate actions by special advisers are not adequately covered by the legislation and regulations at present. There is concern that inappropriate actions have occurred but that there has been no role to date for the ombudsman, under the 2013 code of conduct for special advisers — or, for that matter, any role for the Civil Service — to instigate final disciplinary investigations.

Secondly, and relevant to the legislation, I will highlight my concerns about the current wording of clause 13 and explain how my amendment will strengthen the accountability of special advisers by including them under the possible scrutiny remit of the ombudsman when complaints are not addressed satisfactorily. Paragraph 4 of the code of conduct for special advisers indicates that special advisers are civil servants who are appointed under article 3 of the Civil Service Commissioners (Northern Ireland) Order 1999, as amended. There are some exemptions, for instance on the general requirement on recruitment, and there is allowance to have a degree of a political role.

Paragraph 5 of the code of conduct for special advisers states:

"Special Advisers should conduct themselves with integrity and honesty. They should not deceive or knowingly mislead the Assembly or the public. They should not misuse their official position or information acquired in the course of their official duties to further their private interests or the private interests of others."

Paragraph 6 indicates that:

"They should act in a way which upholds the political impartiality of civil servants. They should avoid anything which might reasonably lead to the criticism that people paid from public funds are being used for party political purposes."

As a member of the Social Development Committee, which I joined on 9 February this year, I became involved in the latter parts of what came to be known as the Red Sky affair, particularly the Committee's phase 3 report, which was published on 16 April 2015, following the BBC 'Spotlight' inquiry. Amongst the summary of that report, you will find relevance to clause 13 of this legislation.

The Committee heard extensive evidence in relation to the actions of Minister McCausland's special adviser and the role of the Department for Social Development in claims about political lobbying in favour of Red Sky. In the summary, there is an indication that:

"The Committee was also concerned at Minister McCausland's refusal to inform it of any of the details of the outcome of a fact-finding exercise that was conducted in response to allegations made against the Special Adviser, Stephen Brimstone, in the Spotlight Programme until a year after the exercise had concluded. While the Committee was notified on 25 September 2013 that the exercise, which had commenced on 20 August 2013, had been completed, the Committee was only informed of Minister McCausland's decision not to initiate any further action in September 2014 despite several letters to the Department over this period seeking clarification."

"When Minister Storey released a redacted version of the report in a response to a notice compelling its release under Section 44(7) of the Northern Ireland Act 1998, the Committee noted that the report recommended a formal disciplinary investigation into the behaviour of Mr Brimstone."

Indeed, that was one of the recommendations of that exploratory investigation.

The report makes fascinating reading in the comments attributed to Stephen Brimstone by, I think, Jenny Palmer including:

"We need you to do that"

Then:

"The party comes first",

And:

"there is no point in you being on the board ... unless you are prepared to do what the party needs you to do."

The Department's report was heavily redacted and, indeed, of the 13 paragraphs of conclusion, only paragraph 12 was not redacted. Of the four paragraphs of recommendations, two and a half were redacted. What remained was fascinating. There was a formal recommendation:

"In view of the above conclusions and evidence presented in this short report, it is recommended that a formal disciplinary investigation into the behaviour of SB be commenced."

At present, we have a system that uncovered wrongdoing and, at the end of it, one would have expected action to clarify exactly what happened and whether or not formal disciplinary action would have been required.

I will now examine the evidence given to the Committee and refer to the special advisers' code of conduct which states that there should be integrity and honesty and that special advisers should not knowingly mislead the Assembly. My Committee colleagues concluded that Mr Brimstone was not a very convincing witness. The number of times that the answer to a question was "I do not recall" was remarkable. For that reason, I highlight the fact that the current system of scrutinising special advisers should be included under the powers of the ombudsman, and we have an opportunity today to do that.

The Committee found that, surprisingly, the decision following the recommendation for a formal disciplinary inquiry fell not to the Civil Service but to the Minister. What would happen if a special adviser, on the encouragement of his or her Minister, acted outside the code of conduct? Does anyone think that such a Minister would agree to initiate an investigatory disciplinary action against their special adviser? There is clearly a weakness in the system. My concern is that the Bill may not be specific enough and may enable that to continue. My understanding is that in Westminster, Cardiff, Edinburgh and the Dáil in Dublin, if such a thing were to happen, public and media pressure would require that the issue be dealt with appropriately. Why not do that in Belfast? It has not happened in Belfast. I do not know whether it is down to our special arrangements about appointments. It is unhealthy that there is a lack of clarity on whether the code of conduct has been followed or, as many suspect, breached.

For that reason, I wish to examine clause 13 in detail. Clause 13 is headed: "Meaning of action taken by a listed authority". Clause 12

lists those authorities, and it refers to schedule 3. Departments are a listed authority, so, at first glance, one could think, "Happy days — everything is sorted. There is clear scrutiny and accountability that the ombudsman could investigate". However, in clause 13 — "Meaning of action taken by a listed authority" — I have a concern about subsection (1)(b):

"a member, officer or member of staff of the authority acting in the discharge of functions of the authority".

My reading is that, when an individual acts in the discharge of functions under that authority, he becomes accountable to the ombudsman in the current legislation. The problem, however, with the case that I have highlighted is that many believe that the individual was acting far beyond the code of conduct of a special adviser. We should endeavour to ensure that such a thing does not happen again and that we do not face a situation in which a Minister could shield a special adviser who may not have acted appropriately under the code of conduct.

4.15 pm

I turn to the specifics of amendment No 31, which is in my name. The clause currently reads:

"Action is taken by a listed authority if it is taken by—".

The amendment would insert:

"any person appointed by a Northern Ireland Minister to a position in the Northern Ireland Civil Service as a special adviser if the listed authority is a Northern Ireland department".

There are no avoidance clauses that might restrict the investigation if an individual has acted outside the normal Civil Service guidance. There might be a case in the future where this happens again and a Minister does not permit a recommendation that has come up from the Civil Service — actually, from the Department of Finance and Personnel — which scrutinised the individual against the code of conduct that the Assembly agreed in 2013. If there is a recommendation that there should be formal disciplinary action, this would be a mechanism whereby an ombudsman could step in should a Minister decide to shield an individual for whatever reason. There would be openness and accountability, and such action could not occur again in the future.

I have indicated to Members that there has been a problem in the past. I have also indicated that the current wording may well have a very significant gap. I ask you to support amendment No 31.

Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill):

The Committee did not have sight of the amendments in the group prior to its formal clause-by-clause scrutiny of the Bill and therefore has not taken a view on them. However, the Committee gave careful consideration to an issue that is addressed by amendment No 75, which is in the names of Mr Lunn and Mr Maginness. That being the case, I shall briefly set out what the Committee's position was.

The Law Society of Northern Ireland, Colleges NI, the Bar Council, the Medical Protection Society and the British Medical Association all raised concerns that clause 30 would create a fundamental imbalance in favour of the ombudsperson. They said that its provisions appeared incompatible with the basic right to legal representation and that this raised serious issues about proportionality and the right to a fair hearing under article 6 of the European Convention on Human Rights. In addition, the stakeholders expressed concerns about other clauses and the basic right against self-incrimination and the right of legal professional privilege. The Committee considered those issues at length and sought its own legal advice. However, having considered that advice and discussed it at some length, the Committee was satisfied that, in respect of clause 30, the discretion provided to the ombudsman was capable of being exercised in accordance with the principles of fairness and did not give rise to a breach of convention rights. Accordingly, the Committee was satisfied with clause 30, but, in reporting that, we agreed to highlight the fact that Mr Maginness, Mr Eastwood and Mr Lunn had expressed concerns about the issue.

Mr Maskey: Go raibh maith agat, a LeasCheann Comhairle. I will make a couple of brief points, if I might. I will be against amendment No 31. When Mr Beggs cites the example from the Social Development Committee, he actually, in a way, defeats his own argument. Looking at the totality of that and how it worked out, if you had amended the NIPSO Bill in this way, it still would not have had any effect because of the nature of the evidence given. You will recall that people gave evidence under affirmation and so on, so an amendment such as this would not have taken effect.

Mr Beggs: Will the Member give way?

Mr Maskey: Yes.

Mr Beggs: Will the Member accept that, with the amendment, if inappropriate action is taken, the ombudsman can step in? You say that this would not help: do you not find it rather strange that, in that case, instead of facing formal disciplinary action, the special adviser was promoted?

Mr Maskey: I do not want to go into any of that, and I do not want to rehearse the Committee's inquiry. It was a lengthy inquiry. I simply make the point that, if amendment No 31 had been in effect at the time, it would not have had any impact at all on the working of that Committee inquiry. The Member will know that there was a lengthy inquiry. People were brought in and gave their evidence. People were brought in on more than one occasion to give evidence. There was conflicting evidence. People gave evidence under oath or affirmation. That is the way it happened. The Committee had all and ample power to investigate what happened there and reach its ultimate conclusions.

I just make the point that I am not supporting the amendment, because it will not have any impact. Probably more importantly, the legislation refers specifically to people who will discharge or exercise functions of the Department: SpAds, by their very nature, cannot, should not and must not discharge the functions of a Department. I accept entirely that issues were brought to light, particularly DSD-related issues. By the same token, those deficits — I accept that there are deficits — are better dealt with elsewhere, not least in the code of conduct.

The other amendment relates to the complaints-handling procedure —

Mr Beggs: I thank the Member for giving way. The Member says that the issue should be dealt with under the code of conduct: the code of conduct worked. The matter was investigated by the Department of Finance and Personnel, and issues of a potentially disciplinary nature were highlighted. The Department then duly recommended a formal disciplinary investigation of a senior member of the Northern Ireland Civil Service who happened to be a special adviser, but guess what? Approval from the Minister was required, and, when that was not forthcoming, nothing happened. My point is that the current code of conduct system is not working.

Mr Maskey: You may want to continue rehearsing the inquiry. That is one example that you have experienced, and that is all very well. Some of us would share that view. I simply make the point that the deficit that you identify is not best dealt with in the Bill, which is specific legislation dealing with a particular function. SpAds are not supposed to discharge any function of a Department. Therefore, you have to find another way to make sure that that is being rigidly upheld. That would not be best dealt with here. The experience that we have had so far underpins that view. On that basis, we do not support amendment No 31.

I do not for one second dismiss some of your concerns; I am simply saying that they are best dealt with elsewhere. I share your view that those deficits need to be dealt with and have not yet been dealt with. If the code of conduct worked as effectively as you suggest, you might have had a different outcome. It is best to deal with those deficits of accountability elsewhere, not in the Bill.

There are a number of other technical amendments. The complaints-handling procedure is legislation that we have, if you like, embraced from elsewhere. On that basis, we are prepared to support the rest of the amendments.

Mr A Maginness: The thrust of my comments relates to the amendment to clause 30, which deals with potential representation for those subject to investigation. Hitherto, under the Commissioner for Complaints (Northern Ireland) Order 1996, legal and other representation was available in certain circumstances under article 12(7):

"If at any time during the course of an investigation it appears to the Commissioner that there may be grounds for making any report or recommendation that may adversely affect any body or person, the Commissioner shall give to that body or person, if it or he so desires —

(a) the opportunity of being examined by its or his own solicitor or counsel; and

(b) the opportunity of testing by cross-examination, by its or his own solicitor or counsel or otherwise, any evidence which may affect it or him."

It is plain that the right of legal or other representation, such as by a trades union or by a professional organisation, is given under article 12 of the 1996 Order.

Clause 30(7) allows representation to take place at the discretion of the ombudsman. If the Bill goes through in its present form, with subsection 7, any representation will be at the discretion of the ombudsman. That is a departure from the current position where, on request to the ombudsman, a person against whom a complaint has been laid can ask, in certain circumstances, for representation. That, I believe, is right and proper. A person should have the opportunity to have legal or professional representation if they want it. I do not understand why there is a departure from the 1996 Order. It does not seem to me that there has been any abuse of that representation hitherto; if there has been, it has certainly not been highlighted. There needs to be a real and serious explanation for this departure. That is the reason why Mr Lunn and I brought forward this amendment: it allows a person who requests representation, in certain circumstances, to be granted it. It seems to me that this is supported, and the Chair of the Ad Hoc Committee mentioned this in his remarks to the Chamber, by the Bar Council and also by the Law Society, as I understand. It is also supported by organisations such as the BMA.

It may seem of little consequence to most Members whether representation is discretionary or otherwise. However, anybody under investigation and subject to a potentially adverse impact on his or her professional life and, indeed, livelihood, should be afforded legal representation where they want it, at their own expense, of course. One does not demand that the state, or anybody else, cover such expenditure.

It engages article 6 rights under the European Convention: the right to a fair trial. It is right and proper that the Assembly is cognisant of that. I also note, of course, that the present ombudsman has given very useful and helpful comments in relation to all this legislation and, in particular, the issue arising out of discretionary representation. The ombudsman says that he will carefully reflect on that representation and will exercise his function and discretion reasonably, as one would expect. We cannot, however, when making law in this House, simply rely on the goodwill or experience of the ombudsman to reassure ourselves that article 6 rights and the general right to representation are being properly afforded to individuals in difficult circumstances. It is right and proper that this amendment has been brought to rectify the situation by ensuring that representation will be there on request, rather than at the discretion of the ombudsman. I believe that there are strong arguments for the change. Indeed, the merits of the case being

put forward are irresistible. The House should not support what is currently in clause 30(7)(b), but should prefer the amendment. I will leave it there.

4.30 pm

Mr Lunn: I am happy to support what Mr Maginness has said. I wonder in what circumstances currently the ombudsman would refuse a reasonable request for legal representation or representation by somebody else — a trade union representative or even an MLA. There would have to be a really valid reason for refusing representation, but I am not at all clear what that might be, bearing in mind that this process, which starts with an ombudsman's hearing, terminates in a judgement and a recommended award, which are then challengeable by either party through a County Court action or judicial review.

The British Medical Association, in particular, said that it would like its members to be represented properly from the outset of proceedings, rather than have to bring in legal representation at some future stage.

The ombudsman has unlimited powers to make a recommendation for financial redress. It is quite a serious thing. The process, if not a court process, effectively has the status of one, and the potential effect on a defendant's reputation is severe.

It is quite simple. It is currently at the discretion of the ombudsman to allow legal representation if he thinks fit. All we want to do is change that to a situation where he cannot refuse, if the defendant or the complainant think that they need it. That seems entirely reasonable to me. I understand that the wording goes right back to a 1969 Order, which was read out to me over lunchtime. It is pretty much the same thing.

Frankly, I do not understand the objection made by the Committee for OFMDFM. The matter was thoroughly discussed at the Ad Hoc Committee, and while only three of us, I think, indicated our dissent, I got the feeling that the Committee, as a whole, was probably in favour of an amendment along these lines.

I hope that, even at this late stage, the House can see the sense of the amendment and will be swayed by Mr Maginness's and my argument for allowing something that is relatively simple and, to me, is a requirement of natural justice. It gives us an assurance that every once in a while a case going before the ombudsman will not fall foul of the system because the person should have had legal

representation. Unfortunately, as things stand at present, once a thing starts it is too late to do anything about it. I do not know if it is at the discretion of the ombudsman to decide halfway through his process, "No, hold on. You need legal representation." That would be entirely unsatisfactory because the person under pressure may have done their case some damage before the ombudsman took that decision.

It is all unnecessary. If somebody wants legal representation, or representation by a trade union, an MLA or whatever, I see no reason why they should not have it. It will not add to the costs of the ombudsman's process.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I thank Mr Lunn for giving way. I just want to clarify: does he share the same concerns that he has articulated with regard to that clause as he does with the historical institutional abuse inquiry and the powers that have been conferred to Sir Anthony Hart as its chair with regard to whether victims who appear before the inquiry can have their own legal representation?

Mr Lunn: I had not thought to compare those two situations, but, off the top of my head, I would say yes. People who appear before the historical abuse inquiry should certainly have the option, at their own request, for legal representation if they so desire.

That is really all I have to say about it. I hope that good sense will prevail and that the House will carry the amendment.

Mr Allister: I want to speak in support of Mr Beggs's amendment, amendment No 31. It plugs an obvious gap in respect of a complainant.

I think that some people may have misunderstood the import of the amendment. It will give a remedy to someone like Jenny Palmer, who felt that she had been bullied and oppressed by a special adviser. That special adviser was protected internally from any discipline by his Minister, who superseded and overrode a recommendation to that effect. The individual who was affected, Mrs Palmer, was effectively left without remedy. The amendment would give her the potential of a remedy by making a complaint to the ombudsman about the bullying and oppressive behaviour to which she was subjected by a fully paid civil servant under the guise of being a special adviser.

When Mr Brimstone did what he did to Mrs Palmer, he was being paid out of the public purse as a civil servant. Therefore, his actions should be subject to such restraint as the ombudsman can bring. Thus, it seems to me that the amendment is a sensible extension to that protection. It would make it abundantly clear that civil servants are not above the law of the ombudsman but are caught by it, and, therefore, someone like Mrs Palmer could have complained about the oppressive and bullying behaviour to which she was subjected.

I do not think that that is anything that anyone should dissent from, apart from those with a vested interest. Of course, that is, sadly, the same vested interest that closed down the opportunity to deal with the issue in the Special Adviser's Bill a couple of months ago. That would have made sure that there could not be a superseding of disciplinary proceedings and that special advisers would be subject to the same discipline as civil servants. I suspect that those with the same vested interest that closed that down will close this down. On that, they are again wrong and only expose their vested interest. I support the amendment.

Mr Nesbitt: The Committee for OFMDFM has had an opportunity to consider amendment No 31, and it was not content to support it. Committee members noted the restrictions that have been placed on a special adviser by section 7 of the Civil Service (Special Advisers) Act (Northern Ireland) 2013 and the code of conduct. A special adviser does not have power to:

"authorise the expenditure of public funds ... exercise any power in relation to the management of any part of the Northern Ireland Civil Service, or ... otherwise exercise any power conferred by or under any statutory provision, or any power under the prerogative".

If there were any action of a special adviser that could give rise to a complaint to the NIPSO, the Committee remained to be convinced that it would not be caught within one of the categories that are provided for under subsections (a) to (d) in clause 13 of the proposed NIPSO legislation.

Mr Allister: Will the Member give way?

Mr Nesbitt: Yes.

Mr Allister: The Chairman refers to the protection of the code of conduct, but the whole point at the heart of this is that, yes, there were

findings, it appears, by DFP of breach of the code of conduct by Mr Brimstone, but his Minister was able to supersede and override that and protect him from any consequences, leaving the individual affected by the oppressive bullying without a remedy. Surely, the Committee cannot take refuge in saying that the code of conduct is adequate if the track record is of the code of conduct being sidelined.

Mr Nesbitt: I thank the Member for his intervention. I do not disagree with him that there is a loophole, but I disagree with him about the correct vehicle for closing the loophole. I emphasise once again that the Committee has considered amendment No 31 and was not content to support it.

Amendment No 51 is a proposal from the Committee. It provides that the power in clause 22 to amend the schedule of excluded matters, which the Bill currently assigns to the Assembly Commission, would lie with the Office of the First Minister and deputy First Minister. The Committee considered that, as the power touches on policy, it was better to leave the initiative for change with OFMDFM, as it is in the current 1996 Orders. The Committee's amendment — amendment No 52, which was debated earlier — would, if made, provide that OFMDFM must consult the NIPSO and anyone else OFMDFM considers appropriate before exercising the power. In addition, the order must be laid in draft and approved by the Assembly before it is made.

Amendment No 75 makes provision for legal representation in an investigation by the NIPSO. The Committee had an opportunity to consider the amendment and agreed that it could not support it. It would appear to require that the NIPSO pay for the legal representation of any person who requests it in the context of an investigation. It is difficult to see how else the NIPSO could —

Mr A Maginness: Will the Member give way?

Mr Nesbitt: I will give way in one moment, because I want to make this point for Mr Maginness to address. It is difficult to see how else the NIPSO could satisfy the wording of the amendment, which is:

"ensure that that person shall be represented".

Mr A Maginness: It is taken for granted that, if anybody has requested representation and been granted it, the cost of that representation is borne by the person who has requested it.

There has never been any discussion about the NIPSO paying for representation for anybody whom it may grant representation to, even under the present draft Bill, because it is naturally assumed that, if you are making such representations and you are granted that, you pay for it yourself. I cannot see how one can in any way infer that from the simple meaning of the amendment that has been tabled.

Mr Nesbitt: The Member uses phraseology that gives me cause for concern: he says "assume". The Member is much better qualified in law than I am, but assumptions can be challenged. To my mind, he has not assured me that you can ensure that that person shall be represented, as is the wording of amendment No 75:

"The Ombudsman shall, on receipt of a request from any person, ensure that that person shall be represented in the investigation by counsel, solicitor or otherwise."

How can you ensure if there is a question of costs? How can we be assured — how can we assume — that that person can afford the costs?

I again make the point, looking at the legal representation that is provided in the historical institutional abuse inquiry, that we have a different regime. I am not sure whether Mr Lunn or indeed Mr Maginness questioned the provisions for legal representation for victims appearing before Sir Anthony Hart. I will give way if the Member wishes to —

4.45 pm

Mr Lunn: Will you give way to me?

Mr Nesbitt: I will give way to you both — Mr Lunn first.

Mr Lunn: I thank the Chair for giving way. If this is the only reason why the OFMDFM Committee objects to the amendment, it really does not withstand scrutiny, with due respect to the Chair. The original wording states:

"the Ombudsperson may ... determine whether any person may be represented".

The word that he is taking exception to in the amendment is "ensure". I really wonder what the difference is. There is no question here — Mr Maginness is right — of the ombudsman's office being asked to pay for legal representation. If that had been the intention,

we would have said so. It does not mention legal aid, assistance or anything else. There is absolutely nothing in that amendment that gives rise to the assumption that payment by the ombudsman's office or some sort of legal aid would be required. It is just not there.

Mr Nesbitt: I thank the Member for the attempted clarification, but it does not cut it for me. "The ombudsman may determine" means that he makes a choice — he determines. Is it A, or is it B? Is it "Yes, you can have representation" or is it "No, you cannot"? Your verb, however, is that he must "ensure". It puts a duty on him and leaves him no choice of determination either way. That, for me, is the fundamental difference. I give way to Mr Maginness.

Mr A Maginness: I just reiterate the point that the amendment does not imply in any way that the cost or the burden of such representation should be borne by the NIPSO. It is clear from the wording that you cannot infer that. It would certainly be very strange in the circumstances of somebody requesting representation saying, "And, by the way, you will pay for this as well". It is just not something that can be imported into that amendment. It is clear from the points that have been made in the debate that that was never the intention.

Mr Maskey: I thank Mr Nesbitt for further giving way. I know that you sought clarification from the Members who propose the amendment, and that is fine. I think that they have explained what they meant, but that certainly would not have been the reading of the amendment as the Committee had to consider it. As Chair of the Committee, will the Member confirm that the entire — in fact, unanimous — view of the Committee of the policy intent here, from day one, was to make sure that we had a process and a system that would maximise protection for citizens but not in a way that is just completely litigation-driven? We worked on the premise that one lawyer begets another, and that brings it into an entirely different scenario that the Committee had unanimously always sought to avoid. Where we can, we must avoid moving towards that process.

Mr Nesbitt: I am happy to give the assurance that Mr Maskey asks for. I have said previously in the debate that the idea is that the NIPSO is an alternative process for resolution, beyond the courts. However, within that process, I also give the assurance that, where possible, we prefer to go forward without legal input, although we accept that there will be

circumstances and environments in which legal representation is needed.

I cannot move off the fact that I think that our use of "determine" gives some leeway to NIPSO, whereas the proposed amendment, in demanding that he "ensure" that a person be represented, removes that leeway. I again refer you to Sir Anthony Hart, who has some discretion in awarding legal representation in the historical institutional abuse inquiry.

By way of further explanation, I refer to article 12(7) of the Commissioner for Complaints (Northern Ireland) Order 1996. It provides that only where:

"it appears to the Commissioner that there may be grounds for making any report or recommendation that may adversely affect any body or person"

is the commissioner required to give that body or person "the opportunity" of being examined, at their own expense, by their counsel or solicitor and by cross-examination.

The requirement to ensure is not qualified by reference to the person in question being someone who may be adversely affected by a report or recommendation that the NISPO is contemplating, as is required by the Commissioner for Complaints (Northern Ireland) Order 1996. It seems likely that that approach would have significant cost as well as logistical implications. That takes us to Mr Maskey's point, because if one party to a complaint lawyers-up, other parties will inevitably feel obliged to do likewise.

As it stands, clause 30 provides that it is for the NIPSO to determine whether any person may be represented in the investigation by counsel, solicitor or otherwise. Having taken advice, the Committee is satisfied that that discretion can be exercised fairly and appropriately and in a way that is compatible with the convention rights of those affected. Accordingly, the Committee for OFMDFM cannot support that amendment.

Amendments Nos 89 and 91 are proposed by the Committee for OFMDFM to simplify the definition of "complaints handling procedure" in clause 34.

Amendment No 235 proposes a change to schedule 7 to the Bill, dealing with investigations under the Local Government (Northern Ireland) Act 2014 of alleged breaches of the local government code of conduct.

The NIPSO has a power in schedule 1(16) to obtain advice, where necessary, from suitably qualified persons to assist in the discharge of the NIPSO's functions. That amendment, which the Committee was invited to consider by the Office of Legislative Counsel, would provide the same power where an investigation is being carried out under the Local Government Act. The Department was content with that approach.

Mr A Maginness: I thank the Member for giving way. In relation to the point that you raised about representation, was there any evidence given to the Committee to suggest that there was any element of abuse of representation during the course of the investigations by the ombudsman, that it had produced a situation where the investigations were over-legalised, if I can use that term, or that there were some problems arising out of the legal representation being granted to any person or body?

I am unaware of such evidence being presented to the Ad Hoc Committee and, in the written representations made by the ombudsman, that point was not made. The ombudsman was saying, "This is an inquisitorial process. It's much better without lawyers." Effectively, that is what he was saying, and I agree with him. However, in certain circumstances, lawyers should be involved if people want them. I ask the Chair of the Committee for OFMDFM to confirm whether there was such evidence to suggest that that particular power should be remedied.

Mr Nesbitt: Again, I thank the Member for his enquiry. To the best of my recollection, there was no evidence of abuse through the input of legal representation; absolutely not. Was it over-legalised? Again, the evidence did not particularly suggest that that was the case. The bottom line on this, as the Member said, is that this is an inquisitorial process. As I have said before, we are trying to find an alternative to the use of the courts. The Member asks questions to promote his view. However, conversely, do we have any evidence that requests for representation had been refused? We are saying that the ombudsman will determine whether any person may be represented in the investigation by counsel, solicitor or otherwise.

The default position is that we want to try to resolve this without recourse to the law, particularly by avoiding going to court. We are offering an alternative process that will give a resolution. We are bringing together two offices: the Office of the Ombudsman and the Commissioner for Complaints. When the powers between those two bodies are different,

we are levelling up in trying to favour the citizen, who is the consumer of public services. As a preference, we want this to be done without legal input, but when legal input is requested, we leave it to the ombudsman to make a determination on whether that is the right course of action. We do not, however, want to tie his or her hands and bind him or her to a regime whereby he or she must ensure that legal representation is available once again. I do not see how you can fulfil that commitment without potential costs being incurred. If you say, "I will ensure that you can have legal representation", and the reply is, "Well, Mr NIPSO, I cannot afford it", the logic is that the burden falls to the taxpayer.

Mr Beggs: It seems to me that there has been an acceptance that the current code of conduct for special advisers has been abused in the past. However, some indicated that they do not think that this is the best vehicle via which to try to plug that gap. It is certainly the view of Alex Maskey, who spoke on my amendment, that it is not the appropriate vehicle. What has not been acknowledged is that an earlier attempt to resolve this issue in specific legislation was blocked by the DUP through a petition of concern. There is a lack of clarity on what the appropriate vehicle is. There is some merit in using the ombudsman for this function and for the ombudsman to intervene, not in every case but when complaints have not been dealt with to the satisfaction of a complainant. It is important that we recognise that there is possibly a role for the ombudsman in this area. He has, of course, a degree of independence, therefore his outcomes should be respected.

I would also argue that, if the ombudsman had this power, it would have a series of knock-on effects. It may not work retrospectively, but I am trying to improve things for the future. If, in the future, a Minister knew that, if he did not act appropriately, the matter could be referred to the ombudsman and, ultimately, that inappropriate action in allowing a detailed disciplinary investigation would be exposed, I believe that Ministers would act appropriately rather than potentially expose themselves. If special advisers knew that, if they do not behave appropriately, they could be exposed through referral to the ombudsman, they would act more appropriately in the public interest. I believe that this is an appropriate vehicle. I also believe that it could drive up standards in how Ministers and civil servants behave. Even in cases in which the ombudsman may not need to intervene at all, he could bring about improvement in behaviour and a better honouring of the code of conduct that our senior

civil servants who are special advisers are meant to follow.

5.00 pm

I remain of the view that the amendment has merit, and I ask Members to consider it rather than simply push it aside and say, "This isn't the right vehicle". I pose to Members these questions: what is wrong with it and what alternative vehicle is available?

Question put, That amendment No 31 be made.

The Assembly divided:

Ayes 26; Noes 63.

AYES

Mr Agnew, Mr Allister, Mr Beggs, Mr D Bradley, Mrs Cochrane, Mr Cochrane-Watson, Mr Cree, Mr Dickson, Mrs Dobson, Mr Eastwood, Dr Farry, Mr Ford, Mr Gardiner, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr McCallister, Mr B McCrea, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mrs Overend, Mr Rogers, Mr Swann.

Tellers for the Ayes: Mr Beggs and Mr Lunn

NOES

Mr Anderson, Mr Attwood, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr Lyons, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Storey, Mr Weir, Mr Wells.

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

The following Member voted in both Lobbies and is therefore not counted in the result: Mr Nesbitt

Question accordingly negatived.

Clause 14 (Matters which may be investigated: general)

Amendment No 32 made:

In page 6, line 9, leave out "Ombudsperson" and insert "Ombudsman".— [Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Clause 15 (Matters which may be investigated: health and social care bodies)

Amendment No 33 made:

In page 6, line 19, leave out "Ombudsperson" and insert "Ombudsman".— [Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Clause 16 (Matters which may be investigated: general health care providers)

Amendment No 34 made:

In page 6, line 28, leave out "Ombudsperson" and insert "Ombudsman".— [Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Amendment No 35 made:

In page 6, line 36, leave out "general medical" and insert "primary medical".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Amendment No 36 made:

In page 7, line 1, leave out "personal medical" and insert "primary medical".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Clause 17 (Matters which may be investigated: independent providers of health and social care)

Amendment No 37 made:

In page 7, line 11, leave out "Ombudsperson" and insert "Ombudsman".— [Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Clause 18 (Matters which may be investigated: universities)

Amendment No 38 made:

In page 7, line 27, leave out "the".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Amendment No 39 made:

In page 7, line 28, leave out "Ombudsperson" and insert "Ombudsman".— [Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Amendment No 40 made:

In page 7, line 30, after "courses" insert "provided or".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Amendment No 41 made:

In page 7, line 33, leave out "Ombudsperson" and insert "Ombudsman".— [Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Amendment No 42 made:

In page 7, line 35, leave out "Ombudsperson" and insert "Ombudsman".— [Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Clause 19 (Administrative functions of staff of tribunals)

Amendment No 43 made:

In page 8, line 13, leave out

"First Minister and deputy First Minister acting jointly"

and insert

"Office of the First Minister and deputy First Minister".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Amendment No 44 made:

In page 8, line 16, at end insert

"(4) Before making an order under this section, the Office of the First Minister and deputy First Minister must consult the Ombudsman and any other person it thinks appropriate."— [Mr Nesbitt (The Chairperson of the Committee for

the Office of the First Minister and deputy First Minister).]

Clause 20 (Exclusion: public sector employment)

Amendment No 45 made:

In page 8, line 18, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 21 (Exclusion: other remedies available)

Amendment No 46 made:

In page 8, line 29, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 47 made:

In page 8, line 39, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 48 made:

In page 8, line 41, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 49 made:

In page 9, line 5, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 22 (Other excluded matters)

Amendment No 50 made:

In page 9, line 8, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 51 made:

In page 9, line 11, leave out "Assembly Commission" and insert

"Office of the First Minister and deputy First Minister".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Amendment No 52 made:

In page 9, line 13, at end insert

"(3) Before making an order under this section, the Office of the First Minister and deputy First Minister must consult the Ombudsman and any other person it thinks appropriate."— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Clause 23 (Decisions taken without maladministration)

Amendment No 53 made:

In page 9, line 15, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 24 (Complaints handling procedure to be invoked and exhausted)

Amendment No 54 made:

In page 9, line 24, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 55 made:

In page 9, line 27, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 25 (Duty to inform person aggrieved about the Ombudsperson)

Amendment No 56 made:

In page 9, line 38, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 57 made:

In page 9, line 41, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The*

Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Amendment No 58 made:

In page 10, line 1, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 26 (Form and time limit for making complaint)

Amendment No 59 made:

In page 10, line 3, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 60 made:

In page 10, line 7, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 61 made:

In page 10, line 10, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 62 made:

In page 10, line 13, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 28 (Procedure for complaint referred to the Ombudsperson)

Amendment No 63 made:

In page 10, line 23, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 64 made:

In page 10, line 27, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 65 made:

In page 10, line 29, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 29 (Procedure for own initiative investigations)

Amendment No 66 made:

In page 10, line 35, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 30 (Investigation procedure)

Amendment No 67 made:

In page 11, line 5, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 68 made:

In page 11, line 8, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 69 made:

In page 11, line 10, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 70 made:

In page 11, line 11, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 71 made:

In page 11, line 17, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 72 made:

In page 11, line 18, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 73 made:

In page 11, line 26, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 74 made:

In page 11, line 28, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 75 proposed:

In page 11, line 29, leave out from ", and" to end of line 31 and insert

"(8) The Ombudsman shall, on receipt of a request from any person, ensure that that person shall be represented in the investigation by counsel, solicitor or otherwise."— [Mr A Maginness.]

Question put and negatived.

Mr Deputy Speaker (Mr Dallat): Democracy at work.

Amendment No 76 made:

In page 11, line 32, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 77 made:

In page 11, line 34, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 78 made:

In page 11, line 36, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 79 made:

In page 11, line 38, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 31 (Information, documents, evidence and facilities)

Amendment No 80 made:

In page 12, line 7, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 81 made:

In page 12, line 13, leave out "Ombudsperson's" and insert "Ombudsman's".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 82 made:

In page 12, line 15, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 83 made:

In page 12, line 20, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 84 made:

In page 12, line 22, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 33 (Obstruction and contempt)

Amendment No 85 made:

In page 13, line 3, leave out first "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 86 not moved.

Amendment No 87 made:

In page 13, line 3, leave out "or any member of staff of the Ombudsperson" and insert

", any member of staff of the Ombudsman or any person authorised in accordance with paragraph 14(2) of Schedule 1".— [Mr Nesbitt

(The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Amendment No 88 made:

In page 13, line 8, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Clause 34 (Meaning of complaints handling procedure)

Amendment No 89 made:

In page 13, line 25, leave out paragraph (b).— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Amendment No 90 made:

In page 13, line 26, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 91 made:

In page 13, line 27, leave out subsection (2).— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Clause 35 (Statement of principles)

Amendment No 92 made:

In page 13, line 34, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 93 made:

In page 13, line 39, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 94 made:

In page 14, line 1, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 95 made:

In page 14, line 2, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 96 made:

In page 14, line 5, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 97 made:

In page 14, line 6, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 98 made:

In page 14, line 8, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Clause 37 (Model complaints handling procedures)

Amendment No 99 made:

In page 14, line 23, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 100 made:

In page 14, line 26, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 101 made:

In page 14, line 28, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 102 made:

In page 14, line 29, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 103 made:

In page 14, line 30, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 104 made:

In page 15, line 1, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 38 (Obligation for listed authority to comply with model CHPs)

Amendment No 105 made:

In page 15, line 5, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 106 made:

In page 15, line 7, leave out "subsection (1) applies" and insert

"a listed authority has been notified in accordance with subsection (1)".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 107 made:

In page 15, line 13, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 108 made:

In page 15, line 16, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 39 (Declaration of non-compliance of complaints handling procedure)

Amendment No 109 made:

In page 15, line 18, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 110 made:

In page 15, line 20, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 111 made:

In page 15, line 24, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 112 made:

In page 15, line 28, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 113 made:

In page 15, line 33, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 114 made:

In page 15, line 36, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 115 made:

In page 15, line 37, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 40 (Submission of description of complaints handling procedure: general)

Amendment No 116 made:

In page 15, line 40, leave out first "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 117 made:

In page 15, line 40, leave out second "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 118 made:

In page 16, line 2, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 119 made:

In page 16, line 6, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 120 made:

In page 16, line 8, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 121 made:

In page 16, line 10, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 42 (Promotion of best practice etc.)

Amendment No 122 made:

In page 16, line 17, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 123 made:

In page 16, line 23, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 43 (Reports on investigations)

Amendment No 124 made:

In page 16, line 33, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 125 made:

In page 17, line 5, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 126 made:

In page 17, line 7, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 127 made:

In page 17, line 10, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 128 made:

In page 17, line 11, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 44 (Publication of reports on investigations in the public interest)

Amendment No 129 made:

In page 17, line 14, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 130 made:

In page 17, line 17, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 131 made:

In page 17, line 19, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 132 made:

In page 17, line 21, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 133 made:

In page 17, line 23, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 134 made:

In page 17, line 24, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 45 (Publication of reports on own initiative investigations)

Amendment No 135 made:

In page 17, line 27, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 136 made:

In page 17, line 29, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 46 (Reports to the Assembly)

Amendment No 137 made:

In page 17, line 32, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 138 made:

In page 17, line 33, leave out "Ombudsperson's" and insert "Ombudsman's".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 139 proposed:

In page 17, line 34, leave out subsection (2).— [*Mr Lunn.*]

Question put and negatived.

Amendment No 140 made:

In page 17, line 35, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 141 made:

In page 17, line 38, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 142 made:

In page 17, line 40, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 143 made:

In page 17, line 41, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 144 made:

In page 18, line 1, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 145 made:

In page 18, line 2, leave out "Ombudsperson's" and insert "Ombudsman's".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 146 made:

In page 18, line 2, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 47 (Reports and privileged information)

Amendment No 147 made:

In page 18, line 4, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 148 made:

In page 18, line 6, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 48 (Privilege for certain publications)

Amendment No 149 made:

In page 18, line 14, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 150 made:

In page 18, line 15, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 151 made:

In page 18, line 17, leave out paragraph (c) and insert "(c) in publication by a person aggrieved, in the course of communication with the Ombudsman, of any statement made by the person aggrieved in connection with an investigation,".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 152 made:

In page 18, line 18, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 153 made:

In page 18, line 20, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 154 made:

In page 18, line 21, leave out "Ombudsperson's" and insert "Ombudsman's".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 49 (Disclosure of information)

Amendment No 155 made:

In page 18, line 27, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Mr Deputy Speaker (Mr Dallat): I plead with you, please, to keep quiet for just another few moments so that I can hear.

Amendment No 156 made:

In page 18, line 31, after "information" insert "obtained by the Ombudsman which is".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 157 made:

In page 18, line 32, after "information" insert "obtained by the Ombudsman which is".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 158 made:

In page 19, line 6, leave out "Ombudsperson" and insert "Ombudsman".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 159 made:

In page 19, line 14, leave out "Ombudsperson" and insert "Ombudsman".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 160 made:

In page 19, line 18, leave out "Ombudsperson" and insert "Ombudsman".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Clause 50 (Disclosure contrary to public interest)

Amendment No 161 made:

In page 19, line 38, leave out "Ombudsperson" and insert "Ombudsman".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 162 made:

In page 20, line 8, leave out "Ombudsperson" and insert "Ombudsman".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 163 made:

In page 20, line 11, leave out "Ombudsperson" and insert "Ombudsman".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Amendment No 164 made:

In page 20, line 14, leave out "Ombudsperson" and insert "Ombudsman".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Clause 51 (Consultation and co-operation with other ombudspersons)

Amendment No 165 made:

In page 20, line 19, leave out "Ombudsperson" and insert "Ombudsman".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Amendment No 166 made:

In page 20, line 22, leave out "Ombudsperson" and insert "Ombudsman".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Amendment No 167 made:

In page 20, line 23, leave out "Ombudsperson" and insert "Ombudsman".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Clause 52 (Application to county court by person aggrieved)

Amendment No 168 made:

In page 21, line 15, leave out "Ombudsperson" and insert "Ombudsman".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Clause 54 (Application to High Court by Attorney General)

Amendment No 169 made:

In page 22, line 13, leave out "Ombudsperson" and insert "Ombudsman".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Amendment No 170 made:

In page 22, line 18, leave out "Ombudsperson" and insert "Ombudsman".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Amendment No 171 made:

In page 22, line 21, leave out "clinical or".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Amendment No 172 made:

In page 22, line 26, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Clause 55 (Relief granted by High Court)

Amendment No 173 made:

In page 22, line 37, leave out "clinical or".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Amendment No 174 made:

In page 22, line 41, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Clause 56 (Court proceedings and privileged information)

Amendment No 175 made:

In page 23, line 2, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Clause 57 (Supplementary provision in relation to court proceedings)

Amendment No 176 made:

In page 23, line 7, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 177 made:

In page 23, line 10, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The*

Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Clause 58 (Ombudsperson to be Judicial Appointments Ombudsman)

Amendment No 178 made:

In page 23, line 20, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 179 made:

In page 23, line 23, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 59 (Interpretation)

Amendment No 180 made:

In page 24, line 19, leave out first "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 181 made:

In page 24, line 19, leave out second "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Clause 64 (Commencement)

Amendment No 182 made:

In page 25, line 11, at end insert "(a) section 1 (including Schedule 1),

(b) section 3,".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Mr Deputy Speaker (Mr Dallat): Sorry, may I ask people again to keep quiet, please?

Amendment No 183 made:

In page 25, line 17, at end insert "(g) in Schedule 2, paragraphs 5, 11 and 12.".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 184 made:

In page 25, line 18, leave out subsection (3).— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 185 made:

In page 25, line 38, after "to" insert "the board of governors of".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 186 made:

In page 25, line 41, after "Schedule 1 (" insert "the board of governors of".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Clause 66 (Short title)

Amendment No 187 made:

In page 26, line 15, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Schedule 1 (The Northern Ireland Public Services Ombudsperson)

Amendment No 188 made:

In page 27, line 7, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 189 made:

In page 27, line 8, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 190 made:

In page 27, line 11, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 191 made:

In page 27, line 13, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The*

Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Amendment No 192 made:

In page 27, line 16, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 193 made:

In page 27, line 23, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 194 made:

In page 27, line 27, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 195 made:

In page 27, line 28, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 196 made:

In page 27, line 30, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 197 made:

In page 28, line 3, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 198 made:

In page 28, line 10, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 199 made:

In page 28, line 14, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 200 made:

In page 28, line 18, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 201 made:

In page 28, line 21, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 202 made:

In page 28, line 27, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 203 made:

In page 28, line 35, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 204 made:

In page 28, line 40, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 205 made:

In page 28, line 42, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 206 made:

In page 29, line 1, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 207 made:

In page 29, line 3, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 208 made:

In page 29, line 3, leave out "appointed as".—
*[Mr Nesbitt (The Chairperson of the Committee
for the Office of the First Minister and deputy
First Minister).]*

Amendment No 209 made:

In page 29, line 7, leave out "Ombudsperson"
and insert "Ombudsman".— *[Lord Morrow (The
Chairperson of the Ad Hoc Committee on the
Public Services Ombudsperson Bill).]*

Amendment No 210 made:

In page 29, line 16, leave out "Ombudsperson"
and insert "Ombudsman".— *[Lord Morrow (The
Chairperson of the Ad Hoc Committee on the
Public Services Ombudsperson Bill).]*

Amendment No 211 made:

In page 29, line 20, leave out "Ombudsperson"
and insert "Ombudsman".— *[Lord Morrow.]*

Amendment No 212 made:

In page 29, line 24, leave out "Ombudsperson"
and insert "Ombudsman".— *[Lord Morrow (The
Chairperson of the Ad Hoc Committee on the
Public Services Ombudsperson Bill).]*

Amendment No 213 made:

In page 29, line 32, leave out "Ombudsperson"
and insert "Ombudsman".— *[Lord Morrow (The
Chairperson of the Ad Hoc Committee on the
Public Services Ombudsperson Bill).]*

Amendment No 214 made:

In page 29, line 35, leave out "Ombudsperson"
and insert "Ombudsman".— *[Lord Morrow (The
Chairperson of the Ad Hoc Committee on the
Public Services Ombudsperson Bill).]*

Amendment No 215 made:

In page 29, line 36, leave out
"Ombudsperson's" and insert
"Ombudsman's".— *[Lord Morrow (The
Chairperson of the Ad Hoc Committee on the
Public Services Ombudsperson Bill).]*

Amendment No 216 made:

In page 30, line 2, leave out "Ombudsperson"
and insert "Ombudsman".— *[Lord Morrow (The
Chairperson of the Ad Hoc Committee on the
Public Services Ombudsperson Bill).]*

Amendment No 217 made:

In page 30, line 3, leave out "Ombudsperson"
and insert "Ombudsman".— *[Lord Morrow (The
Chairperson of the Ad Hoc Committee on the
Public Services Ombudsperson Bill).]*

Amendment No 218 made:

In page 30, line 5, leave out "Ombudsperson"
and insert "Ombudsman".— *[Lord Morrow (The
Chairperson of the Ad Hoc Committee on the
Public Services Ombudsperson Bill).]*

Amendment No 219 made:

In page 30, line 14, leave out "Ombudsperson"
and insert "Ombudsman".— *[Lord Morrow (The
Chairperson of the Ad Hoc Committee on the
Public Services Ombudsperson Bill).]*

Amendment No 220 made:

In page 30, line 16, leave out "Ombudsperson"
and insert "Ombudsman".— *[Lord Morrow (The
Chairperson of the Ad Hoc Committee on the
Public Services Ombudsperson Bill).]*

Amendment No 221 made:

In page 30, line 19, leave out "Ombudsperson"
and insert "Ombudsman".— *[Lord Morrow (The
Chairperson of the Ad Hoc Committee on the
Public Services Ombudsperson Bill).]*

Amendment No 222 made:

In page 30, line 21, leave out first
"Ombudsperson" and insert "Ombudsman".—
*[Lord Morrow (The Chairperson of the Ad Hoc
Committee on the Public Services
Ombudsperson Bill).]*

Amendment No 223 made:

In page 30, line 21, leave out second
"Ombudsperson" and insert "Ombudsman".—
*[Lord Morrow (The Chairperson of the Ad Hoc
Committee on the Public Services
Ombudsperson Bill).]*

Amendment No 224 made:

In page 30, line 24, leave out "Ombudsperson"
and insert "Ombudsman".— *[Lord Morrow (The
Chairperson of the Ad Hoc Committee on the
Public Services Ombudsperson Bill).]*

Amendment No 225 made:

In page 30, line 26, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 226 made:

In page 30, line 28, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 227 made:

In page 30, line 29, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 228 made:

In page 30, line 30, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 229 made:

In page 30, line 34, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 230 made:

In page 30, line 35, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 231 made:

In page 30, line 36, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 232 made:

In page 30, line 37, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 233 made:

In page 30, line 38, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The*

Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Amendment No 234 made:

In page 30, line 39, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 235 made:

In page 30, line 40, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 236 made:

In page 30, line 41, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 237 made:

In page 31, line 1, leave out "appointment of".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 238 made:

In page 31, line 4, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 239 made:

In page 31, line 6, leave out "Ombudsperson's" and insert "Ombudsman's".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 240 made:

In page 31, line 8, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 241 made:

In page 31, line 9, leave out first "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 242 made:

In page 31, line 9, leave out second "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 243 made:

In page 31, line 10, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 244 made:

In page 31, line 11, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 245 made:

In page 31, line 15, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 246 made:

In page 31, line 19, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 247 made:

In page 31, line 31, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 248 made:

In page 31, line 34, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 249 made:

In page 31, line 35, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 250 made:

In page 31, line 36, leave out "Ombudsperson's" and insert "Ombudsman's".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 251 made:

In page 31, line 37, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 252 made:

In page 31, line 38, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 253 made:

In page 32, line 1, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 254 made:

In page 32, line 5, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 255 made:

In page 32, line 9, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 256 made:

In page 32, line 11, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 257 made:

In page 32, line 14, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 258 made:

In page 32, line 20, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The*

Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Amendment No 259 made:

In page 32, line 22, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 260 made:

In page 32, line 23, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 261 made:

In page 32, line 33, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Schedule 2 (Transfer of assets, liabilities, staff, and other transitional arrangements)

Amendment No 262 made:

In page 33, line 7, leave out "appointed" and insert "transfer".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 263 made:

In page 33, line 8, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 264 made:

In page 33, line 20, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 265 made:

In page 33, line 22, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 266 made:

In page 33, line 27, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The*

Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Amendment No 267 made:

In page 33, line 29, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 268 made:

In page 33, line 30, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 269 made:

In page 33, line 34, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 270 made:

In page 33, line 41, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 271 made:

In page 34, line 31, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 272 made:

In page 34, line 35, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 273 made:

In page 34, line 37, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 274 made:

In page 35, line 10, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 275 made:

In page 35, line 12, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 276 made:

In page 35, line 13, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 277 made:

In page 35, line 32, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 278 made:

In page 36, line 2, after "where the" insert "relevant".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 279 made:

In page 36, line 8, leave out "the" and insert "an".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 280 made:

In page 36, line 10, leave out sub-paragraph (2) and insert

"(2) On and after the transfer day, the complaint may be made or referred under this Act, and the provisions of this Act apply for the purposes of making, referring, investigating and dealing with that complaint, save that if the complaint is made or referred within the time period required under—

(a) the Ombudsman (Northern Ireland) Order 1996, where the complaint could have been made or referred to the Assembly Ombudsman for Northern Ireland,

(b) the Commissioner for Complaints (Northern Ireland) Order 1996, where the complaint could have been made or referred to the Northern Ireland Commissioner for Complaints,

*the complaint will be deemed to comply with the time period required under this Act."— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]*

Amendment No 281 made:

In page 36, line 14, leave out first "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 282 made:

In page 36, line 14, leave out second "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 283 made:

In page 36, line 15, at end insert

"COMMISSIONER FOR PUBLIC APPOINTMENTS

12.—(1) The repeal by this Act of the Commissioner for Complaints (Northern Ireland) Order 1996 does not affect the definition of "public appointment" in the Commissioner for Public Appointments (Northern Ireland) Order 1995.

*(2) Sub-paragraph (1) does not affect the exercise of prerogative powers in respect of the Commissioner for Public Appointments referred to in section 23(3) of the Northern Ireland Act 1998."— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]*

Schedule 3 (Listed authorities)

Amendment No 284 made:

In page 36, line 29, leave out from ", a joint committee" to end of line 31.— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 285 made:

In page 38, line 39, leave out

*"and any committee or sub-committee of a new town commission".— [*Mr Nesbitt (The**

Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Schedule 5 (Other excluded matters)

Amendment No 286 made:

In page 40, line 13, leave out "56,".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Amendment No 287 made:

In page 40, line 23, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 288 made:

In page 40, line 31, after "maladministration" insert

"and that such injustice has not been remedied, and".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Amendment No 289 made:

In page 40, line 32, leave out head (b).— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Amendment No 290 made:

In page 40, line 33, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Schedule 6 (Amendments consequent upon Ombudsperson being Northern Ireland Judicial Appointments Ombudsman)

Amendment No 291 made:

In page 41, line 12, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 292 made:

In page 41, line 13, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The*

Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]

Amendment No 293 made:

In page 42, line 9, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 294 made:

In page 43, line 30, leave out heads (b) and (c).— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Amendment No 295 made:

In page 43, line 37, leave out "sub-paragraph" and insert "sub-paragraphs (2) to".— *[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]*

Amendment No 296 made:

In page 43, line 39, at end insert

"(f) in sub-paragraph (6) leave out '(4)' and insert '(1)'.— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Schedule 7 (Amendments to Part 9 of the Local Government Act (Northern Ireland) 2014)

Amendment No 297 made:

In page 44, line 39, leave out "Ombudsperson" and insert "Ombudsman".— *[Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).]*

Amendment No 298 made:

In page 45, line 6, at end insert

"and

(c) as if in section 31(5) the references to section 32(1) and (2) had no effect."— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Amendment No 299 made:

In page 45, line 10, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill)*.]

Amendment No 300 made:

In page 45, line 16, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill)*.]

Amendment No 301 made:

In page 45, line 25, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill)*.]

Amendment No 302 made:

In page 45, line 30, leave out "ombudspersons" and insert "ombudsmen".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill)*.]

Amendment No 303 made:

In page 45, line 36, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill)*.]

Amendment No 304 made:

In page 45, line 40, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill)*.]

Amendment No 305 made:

In page 45, line 40, at end insert

"(b) paragraph 16 (advisers) applies in relation to the functions of the Commissioner under this Part as it applies in relation to the functions of the Ombudsman under the 2015 Act,".— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Amendment No 306 made:

In page 45, line 42, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill)*.]

Amendment No 307 made:

In page 46, line 5, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill)*.]

Amendment No 308 made:

In page 46, line 8, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill)*.]

Schedule 8 (Other minor and consequential amendments)

Amendment No 309 made:

In page 46, line 17, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill)*.]

Amendment No 310 made:

In page 46, line 21, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill)*.]

Amendment No 311 made:

In page 46, line 25, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill)*.]

Amendment No 312 made:

In page 46, line 27, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill)*.]

Amendment No 313 made:

In page 46, line 32, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill)*.]

Amendment No 314 made:

In page 46, line 35, after "Equality Commission," insert *"the board of governors of"*.— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister)*.]

Amendment No 315 made:

In page 46, line 38, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 316 made:

In page 47, line 1, after "Northern Ireland department," insert "*the board of governors of*".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 317 made:

In page 47, line 5, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 318 made:

In page 47, line 7, after "Northern Ireland department," insert "*the board of governors of*".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 319 made:

In page 47, line 11, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 320 made:

In page 47, line 13, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 321 made:

In page 47, line 20, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 322 made:

In page 47, line 23, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 323 made:

In page 47, line 27, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Amendment No 324 made:

In page 47, line 29, after "the Commissioner," insert "*the board of governors of*".— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 325 made:

In page 47, line 31, leave out "Ombudsperson" and insert "Ombudsman".— [*Lord Morrow (The Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill).*]

Schedule 9 (Repeals)

Amendment No 326 made:

In page 49, line 26, leave out "paragraph 14" and insert

"

	paragraphs 13 and 14
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"— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Amendment No 327 made:

In page 49, leave out from line 35 to the end of line 1 on page 50.— [*Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).*]

Mr Deputy Speaker (Mr Dallat): That concludes the Further Consideration stage of the Public Services Ombudsperson Bill. The Bill stands referred to the Speaker.

I ask the House to take its ease while we change the top Table.

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

Public Accounts Committee: Reports and Memoranda of Reply

Mr Principal Deputy Speaker: The Business Committee has agreed to allow up to two hours for the debate. The proposer of the motion will have 15 minutes in which to propose and 15 minutes in which to wind. All other Members who are called to speak will have five minutes.

Ms Boyle (The Chairperson of the Public Accounts Committee): I beg to move

That this Assembly takes note of the following Public Accounts Committee reports:

'Report on Tackling Social Housing Tenancy Fraud in Northern Ireland' [NIA 197/11-16]
'Report on the Future Impact of Borrowing and Private Finance Commitments and Belfast Metropolitan College's Titanic Quarter PPP Project' [NIA 202/11-16]
'Report on Northern Ireland Courts and Tribunals Service Trust Statement for the Year Ended 31 March 2013' [NIA 215/11-16]
'Report on Primary Care Prescribing' [NIA 230/11-16]
'Report on Managing and Protecting Funds Held in Court' [NIA 246/11-16]
'Report on the Cross-border Broadband Initiative: The Bytel Project' [NIA 253/11-16]

and the following Department of Finance and Personnel Memoranda of Reply:

'Report on Tackling Social Housing Tenancy Fraud in Northern Ireland'
'Report on the Future Impact of Borrowing and Private Finance Commitments and Belfast Metropolitan College's Titanic Quarter PPP Project'
'Report on Northern Ireland Courts and Tribunals Service Trust Statement for the Year Ended 31 March 2013'
'Report on Primary Care Prescribing'
'Report on Managing and Protecting Funds Held in Court'
'Report on the Cross-border Broadband Initiative: The Bytel Project'

Go raibh maith agat, Mr Principal Deputy Speaker. While there is not time for me to go into all the items listed in the motion, I will take a short time to remind you of the role of the Public Accounts Committee (PAC) and the scope of the Committee's work. The Committee is a Standing Committee of the Assembly, set up under the NI Act 1998 to

consider accounts and reports on accounts laid before the Assembly. The accounts of all Departments and, indeed, those of most public-sector bodies are prepared and laid by the Comptroller and Auditor General (C&AG), who is head of the Audit Office here. The C&AG may also make value-for-money reports and reports on efficiencies and effectiveness.

The Audit Office's role is to examine closely public expenditure from a position of independence of government. I must commend the Audit Office for the excellent support that it has provided to the PAC, not just this year but throughout this mandate.

It has assisted the Committee in its pursuit of protecting the public purse and getting to the bottom of how public money has been spent. I am personally very grateful for the efforts that the C&AG and his team have put into supporting the Committee.

During this mandate, the PAC has worked tirelessly to reinforce the standards required of people in public life, to prevent fraud, and to encourage whistle-blowers. It has also worked on improving processes, such as the checks and controls for managing public money, promoting good governance, ensuring accountability, and striving for greater value for money for the taxpayer.

The past few years have presented new economic and social challenges. Never has ensuring good value for money been more important than it is today, with ever increasing cuts in public expenditure. It is surely in everyone's interest to want to minimise the impact of the cuts on the lives of people, particularly those who are dependent on public services and public expenditure. Maximising the effectiveness of public spending ensures improvements in productivity that ultimately protect front-line services. The PAC has the advantage of being able to look across Departments and, in so doing, identify trends and challenges that are relevant in all or many Departments and agencies.

To improve value for money performance by Departments and agencies, it is important to look at performance over time as well as at a particular point in time. Our reports have striven to do that, to reinforce lessons learnt, and to minimise the danger of making the same mistakes time and again.

The details of the motion give some indication of the wide range of work undertaken by the Public Accounts Committee in contributing to a better and more efficient delivery of our public

services. PAC reports have dealt with important issues, such as tackling tenancy and other types of fraud. They also maximise opportunities to realise efficiency savings, such as those identified in our 'Report on Primary Care Prescribing'; our call for greater transparency in government borrowing and PFI commitments; and for making improvements to contract and performance management, as was the case in the Belfast Metropolitan College project. We have also stressed the importance of whistle-blowers, the use of whom could have avoided substantial losses to the public purse in the Bytel case.

The most vulnerable in our society, in particular, need to be protected, and that was an issue that we dealt with in our 'Report on Managing and Protecting Funds Held in Court'. That report looked at the Court Funds Office, which provides a banking and investment service for many of the most vulnerable in our society who are incapable of looking after their own affairs. The office was in need of a radical overhaul. My colleague Mr Beggs will go into the specifics of our findings and recommendations later. However, by honing in on instances where public funds are being spent unwisely, the PAC has made recommendations for improvements.

It is not just about making recommendations; it is about monitoring the implementation of those recommendations. The PAC expects its recommendations to be fully considered and implemented, which it monitors through a memorandum of reply (MOR). I welcome the work undertaken this year on agreeing a protocol on the memorandum of reply between the Committee and DFP. PAC regards the MOR as an integral part of the public accountability cycle and monitors Departments' progress on the implementation of its recommendations. In that regard, I acknowledge the important role that DFP plays in working with Departments on the production of MORs to ensure that Departments respond to each PAC recommendation as fully and as positively as possible. This has resulted in great improvements in the quality of MORs over recent years, which is to be commended.

6.00 pm

The PAC aims to be constructive in pointing out that lessons need to be learned to improve performance. Whilst our inquiries tend to be specific to a particular Department or body and the issues pertaining to it, there are lessons to be learned throughout government. PAC reports this year highlighted a number of lessons that can be applied across the public sector. We have striven to be constructive in

our recommendations and offer guidance about what needs to change to avoid a repeat of certain events. We also seek out and publish good practice. Finding exemplars of excellent value for money is a more effective tool for securing change. Much can be learned from the successes as well as the failures.

I wish to talk specifically about our report on the future impact of borrowing and private finance commitments in the Belfast Metropolitan College's Titanic Quarter PPP project. The Committee examined the use of a private finance initiative (PFI) in the development of Belfast Metropolitan College's Titanic Quarter project, which was the largest and most expensive further education public-private funding project ever undertaken here. As part of its inquiry, the Committee also considered the wider issues around the transparency and efficiency of PFI projects and the impact of borrowing commitments.

On the wider issue of the impact of borrowing on private finance commitments, the Committee heard how the Executive have increased their spending power and supplemented the funding of capital investment by using PFI contracts and accessing borrowing under the reinvestment and reform initiative. Both funding streams give rise to long-term and inescapable financial commitments. The current cost of meeting those commitments is approximately £375 million each year, and servicing them is the first call on the Executive's Budget.

Current operational PFI contracts have committed the Executive to over £7 billion in future years, with their annual cost standing at £250 million. The Executive expect to have access to borrowings of £2.7 billion from the national loans fund. In 2013-14, the cost of repaying those borrowings was £103 million. That will rise to over £140 million within the next three years. The significant cost of borrowing will further increase depending on a decision to continue to access borrowings beyond 2016.

Despite the size and impact of these commitments on budgets, there has been no central collection or reporting of that directly to the Assembly or its Committees. There is scope for improving the information provided to the Assembly on borrowings and the use of PFI. This issue of transparency and accountability was raised by the Committee over five years ago. It is therefore disappointing that we are back here again. The public has a right to know how and where its money is being spent. That lack of transparency on long-term commitments with the Assembly and its Committees is not

acceptable, and we are pleased that our recommendations for greater transparency have been accepted and are being progressed by OFMDFM. If that information remains behind a smokescreen, it only undermines the ability of the statutory Committees to hold Departments to account.

The Committee is of the view that there is scope to generate additional efficiencies from current operational PFI contracts. The public sector needs to act as a more intelligent customer in procuring and managing projects after contract. Improved contract-management practices, such as benchmarking and market testing, will provide better evidence of whether projects are delivering value for money.

In evidence to the Committee, we heard how such reviews into water PFI contracts had resulted in £11 million of savings being delivered. This clearly demonstrates the potential benefits of such reviews, especially as there are 32 operational PFI projects in the North. However, we heard how there was no strategic programme for reviewing PFI contracts and maximising the opportunities to realise value-for-money savings. The Committee considers that this could be done better if it were driven centrally.

In recognition that the expertise is thinly spread across the system, we recommended that OFMDFM, in conjunction with the Strategic Investment Board, developed such a programme to drive long-term efficiencies from operational PFI projects and maximise value-for-money savings. We are pleased that this recommendation was accepted.

I turn to Belfast Metropolitan College's Titanic Quarter PPP project. First, I would like to place on record that the Committee acknowledges that this project has achieved many satisfactory outcomes. For example, the campus has won awards for the building's design and high environmental standards, and it has delivered a high level of staff, student and employer satisfaction. However, the Committee had very serious concerns about the project management, governance, decision-making and procurement process of the college and the Department's oversight in this respect.

The audit trail supporting the identification of accommodation requirements for the new campus was weak. The case for going down the PFI route was marginal at best. The project completion was put in jeopardy as a result of difficulties in relation to the consultancy contract, the costs of which were allowed to overrun considerably from £300,000 to £1.5

million. The preferred bidder was given its preferred bidder status prematurely, despite the extent of the unresolved issues with its proposals. This and its privileged development position on the Titanic Quarter site enabled it to dictate the pace and outcome of negotiations with the college, which extended from a planned 12 months to 33 months. The value for money of the deal eroded significantly during this period. Despite deciding to go down the PFI route due to funding issues, the Department for Employment and Learning ended up paying £20 million of the £44 million capital cost up front. In addition, while the sale of the properties was meant to help fund the project, DEL was left to pick up a shortfall of £14 million in expected receipts.

The Committee concluded that when all the costs, including the significant shortfall in receipts from the sale of the surplus properties, were taken into account, this was a costly project that did not represent good value for money. The Committee was extremely disappointed at these very serious shortcomings in the way that the project was managed and that the lessons to be learned were not new. These are recurring themes in the management of capital projects that, despite having been raised before, still arose. The Committee made several further recommendations to help protect the public sector's interest and ensure value for money going forward. We are pleased to note that these have been accepted.

I will now pass on to other Committee members who will talk about our other reports in more detail.

Mr Girvan: Speaking as a member of the PAC, I wish to focus on the Northern Ireland Courts And Tribunals Service report, which covered the financial year ending 31 March. During that inquiry, it was quite evident that the recovery of fines was not very successful. At that date, £19 million of that year's fines had yet to be recovered and was outstanding. It was unlikely that £6.5 million of that would ever be recovered. There were a number of reasons for that. One reason was that, during the process, it was identified that 6,682 warrants — I think that that is the right number — had gone missing and not been served. As a consequence, there had been a loss of £1.1 million to the Northern Ireland Court Service. It was identified that that was gross negligence. That was confirmed by the Chief Constable in his evidence to the Committee. He could offer us no explanation as to how or why that had happened. In dealing with the process, it also identified that the cash-handling process left

itself open to major fraud. As a consequence, a PSNI officer was found guilty of the theft of fines amounting to £52,789. That identified a major shortcoming in how penalties and fines were being paid.

The process identified that we are in the 21st century but that we are dealing with an archaic system that has no recognition of the fact that you can pay by any means other than cash. Moneys were being put into an envelope and handed in through a door. It had to be paid in cash; receipts were not always being issued. All sorts of problems were identified in relation to the payment of fines that were not being paid through the courts office, but being collected by police officers. It was recommended that that process be moved forward into the 21st century and that people should be able to make payments by other means, such as Switch —

Mr Clarke: Will the Member give way?

Mr Girvan: I will surely, yes.

Mr Clarke: I think it would be wrong to characterise every member of the Police Service of Northern Ireland who handled them as being the same. Only one incident of this kind was found, albeit that shows that there was an opportunity for that to happen. I would like to put on record that only one was ever found guilty of that crime.

Mr Girvan: I thank the Member for his intervention —

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

Mr Girvan: — but it alluded to a part that caused concerns in that we had already identified the lack of controls within the process, which could have left the process open to abuse. Only one was identified; I appreciate that you cannot tar everyone with the same brush. The process did not represent value for money. The courts had to pay the Police Service £3 million a year to collect that money, and about £1.4 million was paid from the Prison Service for dealing with it. Some people were actually put in prison for non-payment of TV licences, but some of the costs of putting them into prison and taking them through that process were far more than would have been incurred in relation to the associated fines.

I felt that there was a great benefit from the report. It identified a number of areas, and, in doing so, there was a recognition of all of the points that were brought forward by the

Committee as recommendations. They were accepted by the courts, and some of them have been implemented. The report stated that there are many other ways of looking at these things. It also stated that it was necessary to modernise and move forward. Furthermore, it stated that the system for collections that is in operation should be looked at with a view to outsourcing it to a better and more effective process of recovery, and ensuring that that would work. The report identified all of those areas over which there was a lot of concern.

The Court Service seemed to be set in its ways in relation to its difficulties in processing and in ensuring that there was an effective and efficient mechanism to follow up the recovery of fines in a timely manner. Likewise, the Court Service needs to ensure that warrants go out in a timely manner, are not piled up until there is a lot to go out and, then, have to be chased round. A process more in line with following up directly and not wasting officers' time was recommended. There was a recognition that officers have more important things to do —

Mr Principal Deputy Speaker: Will the Member draw his remarks to a conclusion?

Mr Girvan: — than run around and gather fines. It was recommended that they use other mechanisms.

Mrs D Kelly: I rise merely to underscore the importance of having the Public Accounts Committee. There are a number of reports tabled before us today, which Members have referred to.

Like them, I am sure, I have concerns about how recommendations are followed up, how they are reported on and whether or not that is done frequently enough. I will be interested to hear the views of Members and the Minister in assuring the House that the Public Accounts Committee's important work of scrutiny and ensuring transparency and the service that it provides are cherished by all parties and that it is given the resources that it requires and the authority that it needs to assure not only the Committee itself but, more importantly, the public that there is a mechanism in the House that, outside all other Committees, will look at the work of Departments, value for money and the very issues that other Members have raised with regard to following through on action plans and on the monitoring and evaluation of recommendations. There were concerns that there had been a squeeze on funding, as has been the case right across Departments, but it should not be a like-for-like- squeeze. There

should be a common-sense approach not only to the work of the Assembly but, very importantly, the work of this most important of scrutiny Committees in assuring the public that they can have confidence in the ability of Members to hold those responsible to account.

6.15 pm

It is fairly safe to say that very few charges have been brought against people as a consequence of the abject failures of good governance or, indeed, the criminality revealed in some of the reports. Reports need to be presented to the House in a more timely fashion, and the Committee needs some real-time ability to seek answers and recommendations on glaring omissions or acts of negligence by Departments and/or individuals. If there are any areas of best practice elsewhere that the House might adopt, perhaps the Chair might look at them further, alongside the Minister. As I have said, I believe that the work of the Public Accounts Committee is widely acclaimed. It is a Committee that others look to for reassurance that there is a level of accountability within the structures of the Assembly for the public and others and that there is a sense of fair play in the delivery and procurement of services.

I would like reassurance from the Minister on the budget going forward in relation to the Committee, and I ask for timeliness in the presentation of reports and the monitoring of the recommendations that flow from them.

Mr Beggs: First, I reiterate the words of the Chairperson in thanking the Northern Ireland Audit Office staff and, indeed, our Assembly Committee staff for their help and support during my period on the Committee. There is good partnership working, and everyone benefits from that. I will focus on the managing and protecting of funds held in court. I hope that, later, as a former member of the Health Committee, I will have time to touch briefly on primary care prescribing.

The Court Funds Office provides a banking and investment service for some of the most vulnerable people in society including minors and adults who are incapable of looking after their own affairs. It manages their money at the behest of the courts. At the time of our report, it was responsible for managing some £290 million on behalf of 14,000 clients. What we and, indeed, the Audit Office report found was that this has been a Cinderella service, stuck in the past and not providing value for money. Perhaps, given the lack of scrutiny and focus

that would have been on it prior to devolution, that is not surprising. The Committee found that the Court Funds Office had a lack of financial expertise and was almost totally reliant on the professional advice of a stockbroker to make recommendations regarding the investment of client funds. That is the function of a professional expert in this area, but it is also good to have a degree of independent scrutiny of actions that have been taken. I see from the Department of Finance and Personnel's 9 July 2015 memorandum that not only was a non-executive director with extensive management experience in the banking sector appointed in 2011 but a second such independent adviser was appointed in January 2015. That is to be welcomed.

I move on to other aspects of the service. One issue that was not covered was that too much funding had been allocated to low interest-paying savings accounts. That would be fairly obvious to anyone considering whether it was a good investment. Clearly, there was a need to modernise the structure and the ability to wisely invest those funds. I welcome the recommendation that we made and, indeed, to a degree, the subsequent efforts by the Department of Justice to modernise its legislation. That will, in turn, enable it to provide a better service. Things are starting to improve, and that has to be welcomed.

I will touch briefly on the report on primary care prescribing. There are very significant costs in prescribing medicines in Northern Ireland, as there are in other parts of the United Kingdom. The Audit Office report highlighted that significant savings could be made by following good practice. From my experience on the Health Committee, I would argue that there has been overprescribing in some areas. Indeed, the Audit Office report shows that there was huge variation between GP practices with the lowest prescribing rates and those with the highest, with the highest prescribers costing more than twice as much as the lowest. Clearly, there is work to be done there. I note that the relevant memorandum, dated 1 May 2015, indicates that contract negotiations on that aspect are going on to see how there can perhaps be better management and performance measurement. There is an indication that this could relate to the pharmacy issue. That is an important area in which there could be significant savings without penalty to the public. Improvements can occur —

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

Mr Beggs: — to ensure that appropriate generic drugs are allocated rather than some of the branded drugs. That could be easy pickings. I ask that we continue to push along that way.

Mr Clarke: The Comptroller and Auditor General and his team should be congratulated for the work that they do. Committee members were given a remit for what we were supposed to say today on different areas, but it will be difficult for me, given that the previous contributor has covered most of my points. I will read my script out anyhow.

Primary care prescribing costs around £460 million a year. That is approximately 10% of health and social care expenditure. This, I am sure Members will agree, is a significant part of the healthcare budget, and we need to ensure that we get the best value for money, especially with the immense squeeze on all Executive budgets. It is clear that prescribing costs in Northern Ireland are not in line with the rest of the UK. The Audit Office estimated that, if the prescribing costs per head of population in Northern Ireland in 2013 had been in line with those in Wales, overall prescribing costs in Northern Ireland could have been reduced by £73 million.

The Committee noted that the Department was reluctant to accept the validity of the cost comparison either locally between GP practices or with other regions. While acknowledging that there may be differences, the Committee questioned whether the regional service delivery differences outlined by the Department fully explain the extent of the cost differential. The Committee recognised that, working with the Health and Social Care Board, GPs had achieved savings in prescribing costs since 2010 but that there was significant scope for further improvement. A key element in the savings has been achieved through prescribing lower-cost generic versions of drugs. The Committee welcomes campaigns such as Go Generic in reassuring people of the effectiveness of generic drugs rather than branded drugs and is pleased to see that the Department is taking steps to inform and educate patients on the rationale for prescribing decisions.

However, in an examination of GP prescribing patterns, in three out of the 15 therapeutic areas, the Committee learned that GPs here tended to prescribe more expensive generic versions of drugs compared with their UK counterparts. More cost-effective prescribing in these areas alone could have saved the health service £8.3 million in 2012 and £6.5 million in

2013. Additionally, reducing local prescribing levels of the most frequently dispensed drug in Northern Ireland, pregabalin, to those elsewhere in the UK would have released over £8.5million in 2012 and £9.7million in 2013.

The Committee was concerned that prescribing costs per head of population here are not in line with other parts of the UK. Given that we are the only region that incurred higher costs per head of population in 2013 than in 2007, the Committee concluded that we have been much slower in achieving savings. This money could have been better used elsewhere in the health service at a time of budgetary pressure.

Given the Department's own acknowledgement that there may be scope to save tens of millions of pounds, the Committee was disappointed that steps have not been taken to quantify the savings that could be generated by the most cost-effective prescribing. The Committee recommended that the HSC Board take a more proactive approach to examining prescribing patterns in each of the 12 therapeutic areas to establish the potential for generating savings. The Committee is pleased that the HSC Board is proactively benchmarking prescribing in other parts of the UK to see the potential for generating future savings and that HSC is developing a three-year strategy that will incorporate a focus on these efficiencies.

In conclusion, the Committee's report had nine recommendations, and these have all been accepted by the Department. These included the Committee's wanting GP remuneration to be linked to prescribing performance. This would require renegotiation of a UK-wide contract, and the Department, in its recent memorandum of reply update, has stated that it will, through the annual negotiation process, discuss performance arrangements, including the introduction of specific performance arrangements for prescribing. The Committee also concluded that benchmarks on prescribing performance should be established to compare GP prescribing performance, and benchmarking data should be published periodically, sharing this data in order to improve efficiency.

Mr Principal Deputy Speaker: I call Mr Conor Murphy.

I call Mr Jim Wells.

Mr Wells: I have never seen Mr Murphy speechless in my life before.

I served on the PAC several years ago, and I thought that, as a result of the diligence of people like Mr Dallat and Mr Seamus Close,

who were Rottweilers on the Committee and relentlessly exposing all sorts of public scandal on expenditure, by the time that I got back onto PAC, its work would be done. I thought that no further obvious gaffs and mistakes would be being made in Departments and that we would not be spending money very unwisely. Little did I know that, when I returned to the Committee, things would be worse than when I left.

A week does not seem to go by that I sit on the Committee and my jaw does not drop to the floor as we yet again see the most elementary mistakes being made by senior government officials and arm's-length bodies doing things that an ordinary housewife or ordinary accountant would never dream of doing. We see it time after time, and, if Members think that this latest set of reports from the PAC is interesting, wait until you see the next set. We have had an insight, and I can assure you that, when it comes to the Northern Ireland Events Company report, every mistake that could have been made was made by many people. So here we are, in a very brief debate, reviewing extremely important issues. One thing that is absolutely guaranteed is that the PAC will never run out of issues to investigate.

I will highlight housing tenancy fraud, whereby social housing is occupied by someone who is not entitled to it. As Members from throughout Northern Ireland, we all know about the intense demand for social housing. I have only to think of Newcastle in my constituency, where there is a huge demand for social housing and a finite supply that is not meeting the need. It is, therefore, totally unacceptable that, whilst genuine families and individuals who are desperately looking for social housing are left out in the cold, there are others who are occupying houses that they should not be entitled to.

6.30 pm

Mrs D Kelly: I thank the Member for giving way. It is a concern that I share in my constituency. Does the Member agree that we need to start to hold to account those who have squandered and participated in fraudulent activities, resulting in millions or hundreds of thousands of pounds of wasted public money? Should we not prioritise and start at the top and work our way to the bottom and hold people to account?

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

Mr Wells: Thank you. The Northern Ireland Events Company was mentioned. Well, wait until we get to the report next year on the funding for social housing, and we will see some of the calamitous wastes of money that have occurred in various parts of Belfast and even in south Down. We will see money being squandered that could have been used to build much-needed social housing for people who are genuinely in need. However, as I said, we will have to keep our powder dry until next year for that one, when Mrs Kelly will certainly have an opportunity to lambaste those who have squandered so much money.

The money involved is quite significant. Each 100 houses fraudulently occupied, if detected, will save £800,000 in the costs of housing homeless families. Therefore, we are talking about roughly £8,000 per dwelling that is occupied by the wrong person or by someone who should not be there. Until recently, unfortunately, the Housing Executive and the housing associations have only looked at abandoned properties, but, in 2012-13, they recovered no fewer than 302 abandoned properties in Northern Ireland. If that is what is going on in only one sector of social housing fraud, what is really going on out there in the real world? The shocking discovery made by the Committee is that, at the time of this report, there had not been one single prosecution for housing tenancy fraud in Northern Ireland. That is an extraordinary situation, given the extent of the problem. I understand that, since the Committee started its inquiry, there has been progress made in a prosecution — and about time, too. It is only when people open their local newspapers and see that society takes this issue extremely seriously that they will stop using social housing as a plaything.

The Committee also, in my opinion, made a very sensible recommendation. It said that there should be more cooperation between housing associations, the Housing Executive and statutory undertakers, such as utility companies, to cross-examine the information held by those bodies and identify who is living where and who should not be living where. Again, it strikes me as absolutely obvious that they should check to see who is paying the electric bill, the phone bill, the rates etc to establish who is actually in the property. Time and time again, as a constituency representative, I get this issue reported to me, and I pass the information on to the executive or whatever. Sometimes action is taken, and sometimes it is not. That indicates to me that, until the PAC took the issue up, it was not being treated seriously.

Mr Beggs: Will the Member give way?

Mr Wells: I certainly will.

Mr Beggs: Is the Member aware of the Housing (Amendment) Bill that is currently going through? It might lend itself to such amendments. Will he make a point of looking at it and, perhaps, support me in widening the information's availability?

Mr Wells: We welcome that, but the Housing Executive, from memory, was formed in 1974, and, here we are, over 40 years later, and we are only getting to grips with this issue. How many millions of pounds of taxpayers' money have been wasted —

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

Mr Wells: — as a result of a lack of action on this issue over the last four decades?

Mr Flanagan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Like other Members, I have a pre-prepared speech, but I will touch on some of the comments that Mr Wells made about the tenancy fraud issue. It is an issue that the Committee for Social Development is currently looking at through the Housing (Amendment) Bill that Mr Beggs has touched on, but the Department for Social Development seems to be very reluctant to amend that Bill to deal with the sharing of information from electricity supply companies with social housing providers. The officials tell the Committee that there has been a separate piece of work under way for over a year, yet those officials are not able to give the Committee any evidence of what they have done so far. It seems to be stuck in the Department for Social Development, but I know that the Committee for Social Development is considering amending the Housing (Amendment) Bill to include the sharing of information with regard to the use of electricity by electricity supply companies with social housing providers.

I want to address most of my remarks to the report published this year by the Public Accounts Committee on the cross-border broadband initiative, the Bytel project. It provided high-speed broadband connectivity across Ireland and was delivered by a Belfast-based company, Bytel Networks Limited. The project was funded by the Special EU Programmes Body (SEUPB) but jointly sponsored by the Department of Enterprise, Trade and Investment and the Department of Communications, Energy and Natural

Resources. DETI had lead responsibility for project oversight and management. Bytel had costs of €4.3 million, but the project was by no means the largest project that the Committee has explored in terms of expenditure. That does not mean that the failings were any less significant or serious. Bytel delivered very poor value for money, and the Committee had grave concerns about the validity of the grant claims submitted and paid in respect of the project.

The Committee found that the project should never have been approved for public funding in the first place. Despite many clear warning signs about its viability from an early stage, it somehow managed to slip through the net. It was clear to the Committee, with the benefit of hindsight, that both Departments, particularly DETI, were preoccupied with the desire to utilise the EU funding that was available for the project rather than ensuring that it was properly managed and would deliver value for money. In that regard, the Public Accounts Committee in the North worked well with the Public Accounts Committee in the Oireachtas to ensure that a joint approach was taken, with two inquires at the same time. We held joint meetings to make sure that there was a coordinated approach and that information was shared well between Committees.

The Bytel project was heavily dependent on a contribution by a key partner, but, just weeks after the project was approved, that partner withdrew. DETI did not properly test that partner's contribution prior to awarding funding. Had it done so, it would have found that it had made no firm commitment to support the project. Bytel then made fundamental changes to the way its project was to be delivered, and, as a result, the costs of delivering it reduced dramatically. DETI did not reappraise the project at that stage, and that resulted in substantially more grant being paid to the project than was required. The failure to reappraise the project when it changed significantly was a fundamental shortcoming that contributed significantly to the problems that followed.

The Committee found that the standard of DETI's scrutiny and checking of grant claims from Bytel was appalling: for example, €1.3 million was paid for equipment that was ineligible for funding, worth only around €30,000 and never used in the project. The final grant claim for €2.2 million was paid in full despite the fact that there was no supporting evidence. The Committee concluded that the claim had no validity whatsoever. It is no surprise, given the Department's lax performance, that almost €4.2 million of the

€4.3 million grant paid for the project was subsequently deemed ineligible for assistance.

We found that the Department's handling of serious allegations from whistle-blowers about the project was totally inadequate. It is beyond belief that initial allegations made in 2006 were investigated by the same officials who had authorised the payment of grant claims. The Department's senior management accepted unwarranted assurances from those officials that there were no matters of concern in the project. The Department also failed to investigate an internal Bytel email that contained allegations about improper activity.

Further allegations from whistle-blowers were received by the Department in 2008. The Department's investigation of those allegations was unduly protracted. A full investigation commenced only in 2011, initiated by other stakeholders who had become concerned about the problems with the project. The Committee was astonished that DETI withheld vital information about the project from key stakeholders, including SEUPB and the Department in the South, for far too long. Overall, DETI's response to the whistle-blower allegations was not of an acceptable standard, and that was a matter of great concern to the Committee.

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

Mr Flanagan: I will, yes.

The fact that so much of the money was deemed ineligible for funding but has not been recovered was a further point of consternation for the Committee.

Mr Allister: I want to begin by commending the PAC for its work and for the various reports. The one that I wish to address myself to is the one that the last Member who spoke referred to: the broadband Bytel project. I find it quite astounding that a project entitled to only €0.3 million support in fact got €4.3 million support on the basis of wiping the Department's eye or the Department turning a blind eye — it is not entirely clear to me which. There was supposed to be support of one third for a project supposed to cost €12 million. In fact, when the forensic assessment was ultimately done, all that it was entitled to was €300,000, even though it had pocketed €4.3 million under the INTERREG programme.

How could such a thing happen? Yes, it initially happened under the bad old days of direct rule

when we were told that Ministers did not care, they let Departments run amok, and civil servants could do what they liked. But then there was a great fresh start, supposedly, in May 2007, and assiduous, focused, determined local Ministers took over, and all the bad old days would be over.

What do we discover about this case? Matters continue, whistle-blowers come along, and there is no proper investigation. We discover that it was not until 2011 that the Department even thought it appropriate to tell the SEUPB that there was a problem. We discover that in 2008-09, on a second whistle-blower, there was to be an investigation under the Police and Criminal Evidence Act (PACE), with interviews under caution. It did not happen. It was decided, "No, no, we needn't bother with that."

Who decided that? Where was the ministerial control? Maybe we are fortunate tonight that the Minister in the House in her new portfolio was, for a large part of that period, the Minister of Enterprise, Trade and Investment, from 2008 until I cannot remember when, but certainly through a lot of that time. So what were the officials under the Minister's control doing? Where was the ministerial control? Who decided that there would not be a PACE investigation? Why has there still not been a PACE investigation? Who came up with the nonsense that this was collective responsibility in order to absolve individuals of their involvement in the project?

The Committee has raised many legitimate questions but has not had answers. I look forward perhaps to the receipt, through this debate, of some answers tonight.

This was not just the squander of €4 million. Because there was inactivity and a fear to address and deal with the situation, the opportunity to spend European money on a deserving project was lost. So even that opportunity was blown in pursuit of doing nothing, in pursuit, apparently, of covering the tracks of the Department. How could the Department, as the joint implementing agent, oversee such squander and then, apparently, ensure that no one found out about it by not even telling the SEUPB until five years later? There is much explaining to be done, and I look forward to the explanations.

Mrs Foster (The Minister of Finance and Personnel): Thank you very much, Mr Principal Deputy Speaker. As you and the House will know, this is my first experience of a Public Accounts Committee debate as Minister of Finance. One wishes that some Members had

read the papers before they came into the House. Clearly, they cannot read some of the dates in some of the reports. However, that is a matter for them.

Before I move to the main business of the debate, I would like to acknowledge the work undertaken by the Public Accounts Committee and the Northern Ireland Audit Office since last year's debate. Much work has been done, and there is a lot to discuss.

I would like to make some general comments from a finance perspective that will set the scene for the coming few years. Members are already all too aware that the months and years ahead will be crucial for Northern Ireland. Our public sector is undergoing a period of unprecedented change on a number of fronts.

6.45 pm

There has already been significant change achieved through local government reform. During 2016, the number of Northern Ireland Departments will reduce from 12 to nine. However, I believe that the new local government landscape, and the new departmental structures coming into force next year, will improve how government interacts with key stakeholders and will help deliver better and more efficient government for the people of Northern Ireland.

On top of this changing landscape, continuing budgetary pressures have led to significant staff reductions across the public sector, and this is set to continue. Within that context, there remains an ongoing need to achieve efficiencies in service delivery, and last week's national spending review indicated that the Northern Ireland block will remain very constrained over the next five-year period, particularly on the resource side. Departments will therefore have to deliver these efficiencies within reduced baselines, and I hope that bodies such as the Audit Office and, indeed, the Assembly will play their part in delivering efficiency improvements.

In service delivery, I believe that reform is an essential factor in shaping how services are delivered for Northern Ireland in the future. It needs to be driven, not only by the budgetary position but by the need to transform how we develop, design and engage on the delivery of all public-sector services. There are several ongoing projects and initiatives aimed at delivering public-sector reforms. They include the Northern Ireland public sector innovation lab, launched just last year, and the digital

transformation programme. My departmental officials are fully engaged in both programmes.

As well as tackling the immediate operational challenges, reform must address the Executive's longer-term aims and identify and develop innovative and cost-effective ways to achieve these. Recognising this, we have agreed to a strategic review of public-sector reform in Northern Ireland. The review, which is being led by the Organisation for Economic Co-operation and Development (OECD) is due to report by the end of this year, and that report is going to really help us shape the future of the reform programme and inform the new Programme for Government for the 2016-2021 period. The focus will produce an outcomes-based approach that will help to ensure that the investments we make produce positive results in the areas we aim to address. So, it is not so much about looking at the process but looking more at the output.

Organisational change is therefore going to be part of our daily life in the public sector in the future, and it is something that Members in the House will have to get used to. During periods of significant changes, there will be new challenges and risks that will arise. We need to acknowledge and recognise that, in managing change and the risks that emanate from that, we may not always get everything right. However, change has to be made, and it has to be taken forward responsibly. While we should be held accountable for all that we do, that does not mean that we should become risk-intolerant or risk-averse. For me, that would be the very worst thing that could happen.

I hope that the Committee will agree with me that, in times ahead, we need to embrace new ways of doing things and apply innovation and creativity where possible. However, as I have just said, that will not be without risk. I think that the Public Accounts Committee has a key role in ensuring that Departments, agencies and other public-sector bodies are able to embrace the change without the fear of Audit Office or PAC criticism being foremost in their minds, or indeed overshadowing them — or worse still, inhibiting the changes and reforms that are very necessary.

In that context, I think that some of the recent work undertaken by the Department in conjunction with the Public Accounts Committee and the Audit Office since last year's debate will assist in this. It will also help to improve overall working relationships and strengthen the public audit process. I want to take a few minutes to update Members on the nature and outcome of some of that work.

First, there is the clearance of Audit Office reports. The production of Audit Office reports is the first, and undoubtedly key, stage in the overall public audit process. After all, the scrutiny of officials by the Public Accounts Committee starts with the Audit Office value-for-money report. We all recognise and agree the importance of timely, accurate and agreed Audit Office reports as the basis for the Committee's evidence sessions. At times, that has been a challenging process for all concerned. Since the last debate, my officials have engaged constructively with the Audit Office and have agreed protocols and guidance for the agreement and clearance of Audit Office value-for-money reports. It is considered that the protocols, which were issued in April, will provide for a more streamlined and timely clearance process for the Departments and the Audit Office in relation to the production of evidence-based, value-for-money reports. The overall aim, of course, is to produce a better product for consideration by the Committee.

To promote those protocols, the Audit Office and the Treasury Officer of Accounts held meetings with departmental accounting officers to discuss the key points and implementation of the new guidance. I understand that this was seen as a positive development by those involved. My officials will monitor the effectiveness of the new protocols with Departments over the next year. In the meantime, and in line with the new protocols, I expect that Departments will work constructively with the Audit Office in the production of value-for-money reports.

That will be important for the timely publication of Audit Office reports. On occasions, reports have been published very close to the dates scheduled for evidence sessions by the Committee. This has become more common over the last year or so, with some reports having been published just over a week in advance of PAC hearings. I believe that this places undue pressure on all concerned. It certainly places a lot of pressure on Departments, which, at the same time as going through the Audit Office clearance process, have to prepare for an appearance before the Public Accounts Committee on a report that can change right up to the very end. I have no doubt that it also has an adverse impact on Committee preparations for evidence sessions. Perhaps we can all give some thought to reducing occurrence of this in future if it continues to be a problem.

I would also like to mention a further set of protocols agreed between my Department and the Committee for the handling of memoranda

of reply. This work finished earlier this year and, again, was the product of very constructive engagement with the Committee, and I thank the Committee for its input. The protocols, as the Committee will be aware, included new guidance for the preparation of memoranda of reply. This was aimed at ensuring that MORs provide clear, direct and succinct responses to the Committee's recommendations. My officials have worked hard with Departments to ensure implementation of the new guidance and believe that the overall quality of responses contained in the MORs has improved. I hope that this is a point on which the Committee would agree.

A final piece of guidance issued by my Department in September was in connection with the public audit process and commenting in the media. At the outset, I would like to say that I fully agree with my predecessor's view that, on occasions, the publicity surrounding reports was unbalanced and appeared to sensationalise certain aspects of reports for maximum media effect rather than provide a fair and balanced view — a bit like Mr Allister's contribution today. My predecessor, Simon Hamilton, asked departmental officials to revisit the guidance in this area to address the imbalance and to clarify for Departments the circumstances in which Ministers may wish to make comment to the media to ensure that a balanced view is portrayed.

I am aware that the Committee had some concerns about that guidance and that the previous Treasury Officer of Accounts attended the Committee in September to discuss them. However, I am fully satisfied that the revised guidance continues to recognise and respect the role and standing of the Public Accounts Committee and remains broadly in line with the formal position adopted by Her Majesty's Treasury.

Turning to the general audit process — and linked to my earlier comments on the fear of audit or PAC criticism becoming a key, sometimes overriding, concern — it remains important that we do not lose sight of the fact that many of the issues raised in value-for-money and PAC reports, while providing valuable lessons that can apply right across the public sector, tend to be specific to an organisation or project. In many cases they are not representative of the high standards of governance and accountability that operate across the wider public sector. Indeed, the Comptroller and Auditor General's recent report — a report that aims to provide assurance to this House on the use of public funds — states that there has been improvement since last

year in the number of accounts receiving qualifications and that the standards of financial accounting in Northern Ireland remain high. This is something that we should remember when considering cases where the expected standards have not been applied. Such cases, important though they are, should be considered within the context of the wider Northern Ireland public sector.

That said, we should not be complacent about such issues or about the wider risks associated with change.

Indeed, as the Comptroller stated a couple of weeks ago when publishing a good practice guide, it is a widely accepted principle that during periods of significant change the risk of fraud escalates. I know that fraud has been a key theme that has featured in a number of Audit Office and PAC reports in recent years. It is timely, therefore, that, with regard to fraud investigation capacity within the Northern Ireland public sector, I am able to confirm that a group internal audit and fraud investigation service for Northern Ireland Departments has been established with effect from 1 April this year. The new service sits within my Department and has been established following a commitment given to the PAC in response to its report on Northern Ireland Water's response to a suspected fraud and DRD's review of a whistle-blower complaint. The group service is now available to NICS Departments, agencies and arm's-length bodies to utilise where fraud investigations are required to be undertaken. Since April, the group service has taken on over 20 investigations on behalf of Departments and other bodies.

With the establishment of the group fraud investigation service, fraud investigation procedures have been developed and are being refined. My Department will use those operational procedures to issue further guidance to the wider public sector in the near future. The guidance will also incorporate the valuable lessons that have been learned from various investigations considered by the Committee. Additionally, the recently published Audit Office guide, which I referred to earlier, draws on existing good practice on how to manage the risk of fraud during periods of organisational change. The guide, which is entitled 'Managing Fraud Risk in a Changing Environment', has been issued by my Department for other Departments to consider.

I also want to mention two other good practice guides published by the Audit Office over the course of the last year: 'Whistleblowing in the Public Sector', which was issued in conjunction

with other UK audit authorities; and 'Conflicts of Interest'. Those are both important issues that have been raised by the Committee on numerous occasions.

My officials have circulated the Audit Office guide on whistle-blowing to all accounting officers. That was done alongside the provision of some other additional points of good practice that arose from hearings held by the Committee. It is considered that that package of guidance will help to support earlier guidance we provided that focused on developing and promoting organisational whistle-blowing arrangements.

We fully recognise that conflicts of interest must be identified and effectively managed by public bodies. That needs to be done to ensure that public confidence in the delivery of public services is maintained and, indeed, that the integrity of staff and board members is safeguarded. As we well know, integrity is one of the seven key principles of public life. While I welcome the Audit Office guide on conflicts of interest, my Department has recognised the need for further guidance in the area. As such, officials will be developing specific guidance on conflicts of interest, which will draw on various sources already available, including our own 'On Board' guide, the lessons learned through the Public Accounts Committee and the Audit Office's good practice guide.

Overall, to summarise the last year, much positive work has been done that will assist Departments, the Audit Office and the Public Accounts Committee in the performance of all their respective audit duties. We are, however, moving into challenging times — we should reflect on that — which will see unprecedented change. No one could but argue that we must continue to encourage and support best practice in financial management and in relation to the proper conduct of public business, but, in seeking to make the improvements in the efficiency and quality of services provided to the public, we must provide balance to ensure that the system does not become paralysed by the fear of potential failure or adverse PAC or, indeed, Audit Office criticism.

I will move on to some of the issues that were raised by Members. The Chair concentrated her remarks on Belfast Metropolitan College's Titanic Quarter PPP project. My Department is content to work with OFMDFM and the Strategic Investment Board on improving the way in which PFI savings are examined. Anything that aids transparency in what, I acknowledge, is a very complex area is to be welcomed.

7.00 pm

Long-term affordability of borrowing is something that DFP has been monitoring for a number of years now. My predecessor provided a draft borrowing strategy to the Executive outlining the longer-term affordability of borrowing and how it might be managed. Those are issues that are routinely discussed by the Executive in the context of its Budget process, and they will no doubt be discussed in the very near future around that issue again.

Mr Girvan referred to the Committee's report on the Northern Ireland Courts and Tribunals Service trust statement for the year ending 31 March 2013. The Department of Justice informed me that it is making good progress and that three of the six PAC recommendations have been fully implemented, including identifying an individual's ability to pay, improved governance arrangements and control structures, and regularly reconciling warrants issued to the Police Service of Northern Ireland. So, work is proceeding in relation to those issues as well.

In relation to Mrs Kelly's point about the follow-up on commitments made by various Departments, it is, of course, a matter for accounting officers to ensure that the PAC commitments are implemented. DFP has established a database that records commitments, and Departments update progress against those. So, we have a live database, if you like, that looks at those. Internally, they are monitored by departmental audit committees and internal audit annually. The Audit Office carries out an impact assessment against commitments. So, I want to assure Mrs Kelly and the House that, once commitments are made, they are monitored. They are not just ignored and forgotten about. They are taken very seriously by Departments.

Mr Beggs went on to talk about managing and protecting funds held in court. Again, with regard to strengthening governance arrangements for the Court Funds Office, revised terms of reference for the judicial liaison group are under consideration by the Northern Ireland Courts and Tribunals Service and action is being taken to identify a consumer representative to attend meetings of that group. So, matters are under way there to deal with those commitments as well.

In respect of primary care prescribing, that matter was raised by Mr Beggs and Mr Clarke. DHSSPS has informed me that the Health and Social Care Board is taking forward the development of a three-year medicines

management strategy. Workshops to inform that are being held and will provide the material to develop that strategy.

Mr Wells referred to tackling social housing tenancy fraud in Northern Ireland. DSD has assured me that it realises that this is a very serious issue and has taken a number of steps to deal with it. Using the Audit Office formula, in the year 2013-14, DSD has made £2 million of saving in respect of the fraud issues.

Finally, Mr Flanagan and Mr Allister referred to the Bytel project, which, of course, was before my time as Minister. Some people in the Chamber cannot accept that that is the case, but I am sure that he will if he reads it again.

Mr Allister: Will the Minister give way?

Mrs Foster: No, I will not give way. Those issues —

Mr Allister: Just tell us why the PACE investigation was shelved.

Mr Principal Deputy Speaker: The Minister has agreed not to give way to the Member.

Mr Allister: I wonder why.

Mrs Foster: He says that he wonders why. Perhaps he could read the report.

Mr Allister: Tell us why the PACE investigation was shelved.

Mrs Foster: Perhaps he could read the report.

I consider that, in the year ahead, we have created the right risk balance, which is a key challenge for Ministers, Departments, the Audit Office and the PAC. I want to thank virtually everybody for taking part in the debate.

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

Mr Dallat: May I just point out that I am the longest serving member of the Committee, having probably been on it for 14 or 15 years or more, and we have never had any kind of inter-party rows. I think that is where the Public Accounts Committee stands head and shoulders above what might happen in some other Committees. I commend all of the members of the current Public Accounts Committee and previous ones for their service and how they endeavour to do that.

In fact, the only broadsides that I have heard were just now from Mr Allister on the Bytel project.

The Chairperson of the Committee, Michaela Boyle, opened the debate by emphasising the independence of the Public Accounts Committee. She also pointed out that we do not lambaste and criticise every Department on every occasion, but have, in fact, singled out exemplar material. Indeed, on one occasion, we went to a primary school in Coleraine where we felt the best examples of addressing literacy, numeracy and absenteeism were to be found. That was Millburn Primary school. I know that other neighbouring schools in socially deprived areas of that town have also done outstanding work, and we recognised that. There are many other examples of the Public Accounts Committee recognising good practice, so it is not all negative.

Obviously, Belfast Metropolitan College was mentioned, and rightly so. We do that because we expect lessons to be learned. We expect a strategic review to take place and mistakes of the past to be avoided. That point was made very well by Jim Wells, who reminded me that he had been on the Committee previously and rejoined it. He was quite upset to find that the bad practice of the bad old days was still being repeated, and that is one of our major concerns.

Paul Girvan was concerned about the way in which the Northern Ireland Courts and Tribunals Service collects fines. I am sure that the public would be absolutely horrified to learn that people have been taken to court, fined, and the fines are either not collected or, if they are, never get back to where they belonged. I have no doubt that fundamental changes in that have taken place. It often intrigued me that the Courts Service insisted on cash when every Department is advising people not to keep cash. So there you have it.

Dolores Kelly mentioned the monitoring and evaluation of reports, which was, rightly, picked up on by the Minister. We welcome the undertakings that have been given.

Roy Beggs spoke on the issue of protecting funds held for vulnerable people by the courts. It may be interesting to hear that that particular aspect of government was last revised in 1935, so there is really every justification for the Public Accounts Committee to be interested in that. Again, the Minister acknowledged that vast improvements have taken place, which, of course, is exactly what the Public Accounts Committee is about.

Trevor Clarke referred to the cost of prescriptions, generic drugs and so on. He is absolutely right; there are, potentially, millions of pounds to be saved there.

Jim Wells could not resist referring to previous Committee members as Rottweilers. I do not think that I got that term; Seamus Close did. However, one of the reports that came before us recently was on the Northern Ireland Events Company, which was an absolute scandal. We have been criticised for publishing reports too quickly, but that issue is about seven years old and, at this stage, I am not sure what may happen.

Mr Flanagan, who has left us at this point, spoke on Bytel. That was a cross-border project and, if something positive can be got out of that, it is the fact that the Public Accounts Committees in Dublin and here in Belfast worked together extremely well to produce an agreed report. That, I think, is to the credit of the members of both Committees, North and South.

The Minister said that there was a fear of reports, and I am sorry about that. She claimed that reports are sometimes not representative of the high standards of service. I hope that I have consoled the Minister by accepting the fact that there are excellent examples of good service. At all times, the Public Accounts Committee will identify those and comment on them. However, the cases involving Bytel, the Events Company and others are not examples of best practice. Never was that more relevant than today, with all the effects of austerity cuts and ordinary people's difficulties in making ends meet.

I hope that, in the wider community, there is a recognition that the Public Accounts Committee has an enormous role to play in the Assembly, whoever is serving on it. Like everything else, it will have to change. Reference was made to the structure of the Public Accounts Committee. There may be a desire to make it more representative to give the opposition, if such a thing exists, a more important role in scrutinising the Government's work. I look forward to that from a distance.

Members raised the point that, very often, when bad practice is discovered — I am thinking in particular of the Fire Authority for Northern Ireland, which is now the Fire and Rescue Service Board — nobody is ever made amenable. There have been various PSNI reports into aspects of government work, and nothing ever happens. That will need to be addressed.

It may be that, in the glory days, when public money was in great abundance, you just dismissed these things and wrote them off, with an accounting officer being moved to another Department or even elevated to a House higher than this one. Today, every penny needs to be accounted for, and people who sign off on projects of any kind need to be made amenable. There is no excuse for them not being so, and no one on the Public Accounts Committee, irrespective of their political party, would disagree.

The PAC will continue to make strident and robust recommendations, particularly when controls have broken down and there is a lack of adherence to standards and ethics. The Committee will pursue the implementation of the recommendations until it is satisfied that suitable measures have been taken to ensure that lessons have been well and truly learned. Dolores Kelly referred to that, and we have an understanding from the Minister that a follow-up will be a critical part of that.

This is not the first time that we have found that poor management has cost the taxpayer vast sums of money. Members referred to several projects in which that was the case, and it is only fair and reasonable that the Public Accounts Committee's work, in harmony with the Audit Office, was entirely justified. The independence of the Audit Office and the Public Accounts Committee is critical for the future. A previous Minister suggested that the Department of Finance and Personnel might subsume the Audit Office. That would be an absolute tragedy, because its independence is vital in ensuring that scrutiny is truly independent.

I listened very carefully to the Minister. Her contribution was positive. She will find that the Public Accounts Committee works closely with the Departments. It is fair to point out that we will retain our independence in every respect.

We recognise that you have to have a working relationship with your colleagues in all Departments.

7.15 pm

I thank Mr Jack Layberry, the former Treasury Officer of Accounts. In particular, I highlight his work with the Committee in drafting a memorandum of understanding protocol during his time in post, which has now been agreed between the Committee and the Minister. The Minister has acknowledged that, so we are at one in that regard. I also welcome Alison

Caldwell, who has taken up this post. I look forward to working with her in her new role over the next few months.

The Committee has seen a number of changes in its membership over the past 12 months. I thank departing Members for their contribution and commitment to the work undertaken by the Committee. I also welcome new Members and look forward to working with them as we move towards the end of this mandate. Since the last take-note debate, the PAC has published a total of six inquiries with memorandums of reply. These published reports have included a wide range of issues, including complex investigations whose subject matter has gone back a number of years and taken some time to complete. Indeed, some of them consumed an awful lot of time.

More than ever, the PAC's role is vital in ensuring that public money is used in the most efficient way possible so as to ensure that the greatest value is achieved for every pound that is spent from the public purse. We continue, with the help of the Audit Office in its reports, to focus our powers on the Departments and other public bodies that we believe have tapped into the public purse unwisely, and seek to bring them to account. We, as a Committee, understand the value of a lessons-learnt approach and aim to be constructive in our findings and reports. Rather than merely pointing the finger and saying that we do not want to see x, y or z happening again, we make recommendations that offer guidance in order to avoid a repeat occurrence in the future. The Public Accounts Committee has never criticised any Department for following through on what it planned to do, even when that did not have the result that it might have wanted. It is simply when Departments or arm's-length bodies do not follow their own plan that the criticism arises.

The Committee expects these recommendations to be accepted and implemented as quickly as possible. The memorandums of reply and subsequent 12-monthly updates give the Committee the opportunity to continue to keep track of the implementation of these recommendations and to ensure that they are followed through in their entirety. As indicated, the work of the PAC is supported greatly by the Northern Ireland Audit Office. I thank the Comptroller and Auditor General and his staff for their help and assistance throughout the year.

Speaking in a personal capacity and, as I referred to earlier, as the longest-serving member of the Committee, I want to recognise

those Committee members who have done so much to give the Public Accounts Committee a standing in the Assembly that each and every one of the 108 Members should be extremely proud of. I assure all the Members present, and those who are not, that the Public Accounts Committee is one of our best tools for convincing the public at large that money is fully accounted for under a regional Government. I want to see that demonstrated with clarity as we move on.

Question put and agreed to.

Resolved:

That this Assembly takes note of the following Public Accounts Committee reports:

Report on Tackling Social Housing Tenancy Fraud in Northern Ireland [NIA 197/11-16]
Report on The Future Impact of Borrowing and Private Finance Commitments and Belfast Metropolitan College's Titanic Quarter PPP Project [NIA 202/11-16]
Report on Northern Ireland Courts and Tribunals Service Trust Statement for the year ended 31 March 2013 [NIA 215/11-16]
Report on Primary Care Prescribing [NIA 230/11-16]
Report on Managing and Protecting Funds Held in Court [NIA 246/11-16]
Report on the Cross-border Broadband Initiative: The Bytel project [NIA 253/11-16]

and the following Department of Finance and Personnel Memoranda of Reply:

Report on Tackling Social Housing Tenancy Fraud in Northern Ireland
Report on The Future Impact of Borrowing and Private Finance Commitments and Belfast Metropolitan College's Titanic Quarter PPP Project
Report on Northern Ireland Courts and Tribunals Service Trust Statement for the year ended 31 March 2013
Report on Primary Care Prescribing
Report on Managing and Protecting Funds Held in Court
Report on The Cross-border Broadband Initiative: The Bytel project

Mr Principal Deputy Speaker: I invite Members to take their ease while we change the Table for the next item of business.

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

UN Climate Change Conference 2015

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

Ms Lo (The Chairperson of the Committee for the Environment): I beg to move

That this Assembly notes that the 2015 United Nations Climate Change Conference is taking place in Paris from 30 November to 11 December; considers that this is an opportunity to agree an ambitious global plan to tackle the threat of climate change; welcomes the Minister of the Environment's attendance at this conference to represent Northern Ireland; further notes that the projected reduction of greenhouse gas emissions of 33.3% by 2025, based on 1990 levels, falls just short of the Programme for Government target of 35%; and calls on the Minister of the Environment to work with his Executive colleagues to increase existing efforts and consider innovative approaches to help reduce emissions and move to a low carbon economy.

On behalf of the Committee of the Environment, I am delighted to move the motion. I welcome the opportunity to open the debate on this important issue.

Today marks the start of the 2015 United Nations Climate Change Conference in Paris, which will run until 11 December. The aim of the conference is to agree an ambitious global plan to tackle the threat of climate change. Over the next weeks, around 190 nations, represented by world leaders, environment Ministers and government officials, will be in attendance. Our Minister of the Environment plans to attend as part of the UK delegation.

Climate change is a complex problem. Many people are very passionate about tackling climate change. That was evident in the many rallies held around the world yesterday, including in Belfast. At the very heart of the response to climate change lies the need to reduce emissions. Governments agree that

emissions need to be reduced so that global temperature increases are limited to below 2°C.

In Northern Ireland, the Programme for Government set a target of reducing gas emissions by 35%, based on 1990 levels. Some progress has been made, and, currently, Northern Ireland has reduced its greenhouse gas emissions by 16%. The last published projections estimate that, by 2025, Northern Ireland will fall short of its target and reduce greenhouse gas emissions by only 33.3%. While that is not a huge shortfall, in itself, we still have a long way to go until 2025. Policies, which might impact on a reduction of emissions, can change. The next projection, based on the 2013 greenhouse gas inventory, will be available in December. It will be interesting to see the revised figures when they are published.

The Committee recognises the efforts that are being made to respond to the impacts of climate change here. The 'Northern Ireland Climate Change Adaptation Programme' is an important document in tackling climate change. It is required by the UK Climate Change Act 2008 and contains strategic objectives, proposals and policies by which each Department will meet those objectives up to 2019. It identifies flooding, water, the natural environment, agriculture and forestry as primary areas for action. However, another important aspect in the battle against climate change is mitigation — taking action to reduce greenhouse gas emissions. Statistics show that the largest sources of emissions in Northern Ireland are agriculture, transport, energy supply and residential sectors.

It is evident, therefore, that a joined-up government approach is required to further our efforts to reduce greenhouse-gas emissions and to move to a low-carbon society.

Throughout the mandate, the Committee has been briefed on the impact of climate change. In 2012, it was briefed by the Met Office. We were presented with its observations of changes to the atmosphere and oceans since 1856, and its views on what has contributed to those changes. The Met Office also outlined its projections for changes to Northern Ireland's climate over the twenty-first century, predicting hotter, drier summers and warmer, wetter winters.

Lord Deben, Chairman of the Committee on Climate Change, briefed the Committee in December 2013. That Committee was set up to advise the UK Government and the devolved Administrations on emissions targets. The

main areas discussed were the measures being implemented by industry to combat change, the scientific evidence supporting climate change, and the work of the Committee on Climate Change.

The Committee also received updates on the work of the cross-departmental working group on climate change. The updates reflect on the work that has been achieved to date, including residential energy efficiency and fuel poverty schemes; ambitious household waste recycling targets; and the increasing use of low-carbon fuels, such as renewables and gas. However, more work is required. That is why the Committee is calling on the Minister, along with his Executive colleagues, to increase existing efforts and to consider innovative approaches to help to reduce emissions and move to a low-carbon economy.

As previously mentioned, the residential sector has been identified as one of the largest sources of emissions. Throughout the mandate, the Committee has explored alternative approaches to managing waste, which, it recognises, contributes to greenhouse-gas emissions. The Committee has been briefed on the environmental and economic benefits of a circular economy. Last year, the Committee also visited the VITO research facility in Belgium and the Metabolon project in Germany, where Members saw at first hand how waste was refined and reused rather than simply recycled. Those are examples of approaches that could be considered further to reduce waste that ends at landfill and, consequently, to reduce emissions.

Reducing emissions and adapting to the impacts of climate change provide the opportunity to drive innovation, support growth, develop effective and resilient infrastructure, and minimise the disruption caused by flooding, water scarcity and other climate-change risks. The Minister's attendance at the conference is a positive and important step, as it will ensure that the views of Northern Ireland on climate change are expressed at the conference. I hope that the views put forward in this evening's debate will help to inform the Minister's input to the conference. The Committee looks forward to receiving an update from the Minister's officials on the outcome of the conference and to hearing more from the Minister regarding his discussion paper on proposals for Northern Ireland climate change legislation later in the debate.

Due to the timing of the decision to select amendments, the Committee did not have an opportunity to discuss Mr Agnew's amendment;

however, I am sure that Members will reflect on it in their contributions. That concludes my remarks as Chairperson of the Committee for the Environment. I would like to say a few words in my remaining time on behalf of the Alliance Party.

Climate change is here; there is no denying it. Overwhelming scientific evidence shows that global warming is man-made. In the past year, the Met Office has seen a 1°C increase in global temperature. Given that a 2°C increase is the maximum that we can tolerate without disastrous consequences, that is worrying.

7.30 pm

Western industrial countries are the biggest polluters, yet it is the poorest countries that will face the greatest harm. It is not just humans who are at risk; this is upsetting the entire ecosystem of the planet. We see the effects in the form of extreme weather and the loss of biodiversity as species lose their habitats. I was at the very well-attended climate change rally in Belfast yesterday, where we heard many people expressing their concerns. Among them, a farmer spoke of soil erosion; because of climate change, he is gradually losing his land.

I want to see a Climate Change Act in line with the rest of the UK, with legally binding targets to reduce greenhouse gas emissions. I welcome the Minister's intention to bring forward a discussion paper on the introduction of a Northern Ireland climate change Bill. We must not allow our greed to stop us from keeping the planet healthy so that future generations may enjoy what we have taken for granted. We must act now.

Mr Agnew: I beg to move the following amendment:

Leave out all after "colleagues;" and insert

"to introduce a Climate Bill for Northern Ireland that includes legally binding, long-term and interim targets on the reduction of greenhouse gas emissions."

I rise to compel the House to support the introduction of a climate change Bill. As the Committee Chairperson mentioned, world leaders will gather in Paris over the next two weeks to discuss climate change and seek agreement on international efforts to keep temperature rises below two degrees Celsius globally, the commonly-agreed point at which climate change becomes dangerous climate

change. I am delighted that our Environment Minister will be there, and it is important that Northern Ireland plays its part. We have to take our responsibility seriously as, in international terms, a wealthy nation.

I remind the House that in February 2014 we agreed that we needed to pass a climate Bill. I ask the House not to row back on that call to the Executive to bring forward legislation specific to Northern Ireland. While we are committed under the UK Climate Change Act 2008 we have no specific Northern Ireland targets that are legally binding. The question I have to ask the Minister — and I do not aim it at him personally, but as the representative of the Executive in the debate — is this: what has been done since that debate and what action has been taken? This will be discussed over the forthcoming weeks; it is an urgent situation.

Climate change has been discussed for decades now, but with each passing year the situation becomes more grave. As Lord Stern pointed out in 2006:

"the costs will increase the longer appropriate action is delayed, to the point where the costs of inaction are potentially catastrophic".

He made the point then, and it persists today, that the sooner we act, the less costly it will be, both in human and financial terms. Each year that the Assembly delays in taking action and in bringing forward a climate Bill, we increase the inevitable costs that we will face as a result of climate change.

Mr Lyons: Will the Member give way?

Mr Agnew: Now that we no longer have the former Member for East Antrim, I thought that I might get through this speech without an interjection. I hope that the Member is not going to be another climate denier from East Antrim, but I am willing to give way.

Mr Lyons: I thank the Member for giving way. Sammy Wilson may be in another place now but I know that his views on this have not changed. I welcome the debate and it is good to see the Member here. Who knows; he might be going to Paris himself. I would not be surprised if I found him dressed up as a polar bear standing on a plastic iceberg protesting with a lot of other people.

I will return to what the Member has just said. Does he agree that there can be an awful lot of

scaremongering at the same time, which does not do any benefit to any side of this argument?

I refer him to a news article from 2007 that said that arctic summers would be ice-free by 2013. Do you not think that that kind of scaremongering does not do anything good for the debate?

Mr Agnew: I thank the Member for his intervention, and, all along, I have recommended that all Members take on board scientific evidence and the views of the Intergovernmental Panel on Climate Change, which presents peer-reviewed science. Whilst individuals may make claims, there is that collective consensus, which has been around 1990 and, indeed, since 1896, when the first causal link was made between carbon and climate. There is that consensus, rather than some of the individual claims that may not bear out to be true. All of the claims that we would see more extreme weather, greater drought and greater flooding have been proven to be true.

When we discussed this motion previously, it was on the back of serious flooding in Northern Ireland and a call to action to mitigate the flooding that we experienced. This month, we have had storm Abigail, storm Barney and storm Clodagh. It is undoubted that freak weather events, as they were once called, are increasingly becoming commonplace, and we are seeing the effects here in Northern Ireland. It is not just flooding that will impact on us. Increasing global food prices can result from changing climate, as farming in many parts of the world may no longer be sustainable. We will see environmental refugees having to move from land that was once fit for growing food crops and is no longer so due to increased drought or, indeed, flooding. We are starting to see some of the commentary on some of our global conflicts focus on the fact that reducing resources is starting to fuel some of those global conflicts. Again, climate change is leading to greater instability in the world.

This is often presented as an environmental issue, and, of course, it is, but, as I always say, the planet will survive. Life as we know it for humans and animals may not, but the planet itself will survive anything that we can do to it. The social justice element of this issue should not be lost in the House. It is unfortunate that those who have probably done least to cause climate change are those who will be affected most by its consequences. A briefing paper from Oxfam says:

"Climate change threatens to put back the fight to eradicate [hunger] by decades".

It is often not environmental groups such as Friends of the Earth, the RSPB or Northern Ireland Environment Link that are making the loudest calls for action on climate change but our aid agencies, our Churches and our missionaries who are going out to Africa and developing nations elsewhere and are seeing the impacts of climate change on poverty, not in the future but today.

It is no longer something that we talk about that might happen. It is something that is happening, and, in Paris, our leaders will be seeking not to prevent climate change, because it is too late for that, but to mitigate its worst impacts and keep temperature rises below 2°C.

I have mentioned the social element and the environmental element, but there is, of course, an economic element. I come back to Lord Stern's report. He was very clear that the benefits of strong, early action on climate change outweigh the costs. We need legislation so that we can have some certainty on our policy direction. Approximately 35,000 jobs in Northern Ireland are in the low-carbon and environmental services sector, and we have seen recently, with the debacle around renewable energy subsidies, that 10,000 jobs could be at risk in that sector due to our inability to agree a way forward on subsidising renewable energy. I know that people will point to the costs, but I will come to evidence. The IMF has estimated that, globally, subsidies for fossil fuels are at \$5.3 trillion, despite the evidence that they are one of the number one causes of climate change. If we look at Northern Ireland alone, we see that the new gas power plant at Ballylumford put 1% on bills. We have a target of 100% Housing Executive homes on gas. At the same time, other nations are committing to a fossil-free future. We are still subsidising fossil fuels and, at the same time, withdrawing subsidies for renewables. We are going in the opposite direction of many other countries.

So, we have the evidence. We need to move on from the somewhat facile debate about whether climate change is happening or whether it is caused by human activity. We need to act quickly, and we need to act now. We need a Northern Ireland climate Act.

Mr Irwin: As a recently appointed member of the Environment Committee and as someone who has a lifelong background in agriculture, this is an area of interest to me, especially given the fact that, according to data,

agricultural activity accounts for some 29% of emissions of greenhouse gases in Northern Ireland. At times, action to reduce greenhouse gases has been an amusing debate in agriculture circles. Everyone is familiar with the fragrant smells of the farm wafting over our countryside.

As a dairy farmer, I know that there is a particular focus on the output of methane from cows in milk production, and statistics reveal dairy production to be a key contributor to greenhouse gases. There is a saying that what goes in must come out. That is more than applicable in this instance. However, it is what happens inside the cow that is the main focus of our scientists at the Agri-Food and Biosciences Institute (AFBI). Indeed, I was somewhat amused to view photos of cows with backpacks attached to measure their methane output. That shows the in-depth approach taken in a bid to come up with ways to reduce the methane output from bovine sources.

What scientists are struggling with in regard to livestock is the fact that, in essence, they are trying to intervene in a natural process — the digestive system. That system has worked as nature intended since time began. The focus of the scientists has been the make-up of the feed used in production and how that contributes to methane levels released. The difficulties with the various tests that have been conducted point to the cost of the various food additives or replacement elements that have been utilised in tests that seek to reduce gas content in the feed. Reports have stated that whilst additives have reduced recordable methane levels from the cow's mouth, the cost of the additives are a prohibitive factor. There is also the added cost of the carbon footprint in the production and transportation of those feed additives were they to become commonly used. So, we have a catch-22 situation in that regard.

The fact that we are discussing greenhouse gases and carbon footprints in agriculture signals a level of thought and importance that has been given to all aspects of production, be that food or any other manufacturing process. As far as agriculture is concerned, the fact that cows have been the subject of methane studies and the fact that agrifood production has been steadily moving away from small individual operators producing a small amount of product to a much larger industrialised operation has moved agriculture into a major contributor to greenhouse gas emissions.

In closing, one major concern that I have about targets set is the potential for added strain and cost on the farmer. With farmers already

complying with extremely stringent legislation on animal traceability, by-product control, nitrates and a plethora of other directives, I fear that there may be further demands placed on our agrifood industry to go further with potentially costly measures to further reduce greenhouse gas emissions.

Getting back to my original point about what goes in must come out, I plead for a level of common sense, especially with regard to agrifood production, and not to increase the burden on our farming industry unrealistically.

Farmers are not afraid to play their part. Indeed, they already play a vital role across the globe in conserving and maintaining millions of acres of land. The motion points to an innovative approach to reducing emissions, and it is important that such approaches are indeed innovative and, critically, must be available and workable in the real world.

7.45 pm

Just a couple of years ago, we had some very bad weather, and I read a report that it was due to global warming. Indeed, another paper article said that it was the worst weather for over 100 years. So much for global warming. We were told that we had the worst weather due to global warming and, on the other hand, it was the worst weather for 100 years.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom labhairt i bhfabhar an rúin agus ar son an leasaithe. I rise to speak in favour of the motion and the amendment. I welcome the motion from the Chair of the Committee and from the Committee. I also welcome the attendance of the Minister to respond to the debate and the fact that he and the Taoiseach are heading to Paris. In fact, the Taoiseach is at the convention in Paris today and has already committed to introducing legislation on this matter when he comes back.

This week will see the twenty-first meeting of the conference of parties under the United Nations framework on climate change, or COP21 as it is more commonly known, when 195 nations will gather in Paris to further their commitment to limiting the future effects of climate change. They will bring with them their own ambitions, targets and plans to help limit the growth of emissions, and rightly so. Climate change is one the greatest challenges facing modern society. We have witnessed unpredictable weather catastrophes, from freak floods to record-breaking heatwaves. We have

witnessed a rise in our sea levels and have watched as the area covered by the Arctic sea ice has become smaller and the ice thinner. With global average temperatures on land and sea rising, you could argue that, as a collective unit across the globe, we have been slow in coming to an agreement.

Closer to home, in May this year, the cross-departmental working group on climate change submitted its fourth annual progress report to the Executive on the performance of each Department in implementing the agreed greenhouse gas emissions reduction action plan. The action plan supports the achievement of the Programme for Government target to continue to work towards a reduction in greenhouse gas emissions of at least 35% on the 1990 levels by 2025. Many would say that that goal is not ambitious enough, but, at the very least, we must achieve it and, if at all possible, exceed it. However, current projections tell us that we are likely to achieve only a 33.3% reduction by 2025, which means that our interventions to date have not been enough and that we must do better.

I want to refer a few things back to the Minister. In 2013, the previous Minister initiated a consultation to seek views on the need for a climate change Bill and on potential elements including statutory targets to reduce greenhouse gases, the creation of a new independent climate change committee and the introduction of new statutory duties for public authorities to promote and report on actions to reduce emissions and adaptation measures. Maybe you would like to respond on where we are with that.

I have only a minute and a half left, and I want to pick up on some points that we could maybe look at in addressing some of the issues. The main contributors, as some Members have mentioned, have been transport, agriculture and carbon dioxide emissions. There are many interventions that we can carry out. It is about housekeeping practices and looking after your own homes in relation to some of the things we can actually do. In waste management, we could eliminate food waste from going into landfill and incineration sites across the North. Then there is the kerbside waste collection, which involves plastics, bottles and cardboard. Minister, maybe you would like to respond to that. It is strange that we have a system here in the North of two or three collection types right across the councils. A small start would be to get all the councils to go some way to carry out the same practices, instead of a kerbside collection in one council area and a blue bin system in another area, with contaminated

waste going into them. Those are simple things that we could try.

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

Mr Boylan: We need to incentivise people in relation to transport and encourage the public sector, including councils, to purchase and use electric vehicles.

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

Mr A Maginness: I thank the Chairperson of the Environment Committee for bringing this motion to the House. Obviously, it is a timely motion. One that will be helpful to the whole House, the Executive, which will be represented in Paris by the Minister, and in dealing with climate change as it relates to our situation locally.

There were rallies yesterday throughout the world to highlight this issue, including one in Belfast. Canon Michael Parker of St Anne's Cathedral, Belfast, said that there was a:

"moral obligation to care for the world and all of its people".

That reflects very much the view of other churchmen, for example Pope Francis, who has put the environment at the very top of the agenda in dealing with not simply an environmental issue but, as Mr Agnew said, an issue of social justice. This is not just a scientific issue. This is an issue of social justice as well as a political issue because, if our climate deteriorates and our world overheats, as it were, the consequences for the poorer people in the world will be disproportionately devastating. Of course, we in the West will suffer as well, as we are suffering at the moment because of the effects of industrialisation since the middle of the 19th century. We have got to address this issue and do it locally.

Mr B McCrea: Will the Member give way?

Mr A Maginness: Yes, I will.

Mr B McCrea: I know the point that he is making about those most vulnerable, but climate change is catastrophic. I do not think that people have got their head around the fact that it is not just Pakistan that it is going to affect; it is us as well. We really do have to do something and do something urgently.

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

Mr A Maginness: The Member reinforces the point that I was perhaps inadequately trying to make. Certainly, our whole world will be affected. We are custodians of the earth. We do not own the earth. We have to hand that earth over to other generations, so we must look after what we have been given.

I commend the Minister for going to Paris. Some may say, "What's the point of a Minister from here going to Paris? Sure, he'll have no effect." It is important for us to send out a strong message that we are interested and concerned, that we are part of the UK and part of Ireland, we are part of Europe and part of the world, and we want to make our contribution. It is very important that the Minister does that.

He has a strong and very clear belief that there should be climate change legislation. Unfortunately, we do not have the political consensus in this Chamber, the Executive and society at large to bring forward climate change legislation. However, we have to do it. We cannot squander time in speculating whether there are ill consequences as a result of climate change. Climate change is here. It is a scientific fact, proven in the international community. We have to wake up to the realities of that and take action.

I support the Minister in his laudatory aim of bringing climate change legislation to the Executive and to the Chamber. I hope that that can make a difference — it must make a difference. The consultation process must continue, but we must also see an emergence of political consensus. That will not happen in this mandate, but it can be realised in the next one. It is not a pipe dream; it is right and proper. We must cooperate with colleagues in the rest of the UK and Ireland because it affects our geography. It affects our two islands so intimately and is so important that we have common measures to deal with all the problems that we are faced with and will be faced with in the near future.

I look forward to further political developments on these issues. It is important that we support the Minister and other colleagues. We must build a very firm consensus. I believe that the Environment Committee has done good work and will continue to do so, showing leadership to the political community here.

Mrs Overend: I am grateful for the opportunity to speak on the motion. The Ulster Unionist

Party recognises the need to address the threat of climate change. It goes without saying that this generation should have a moral obligation to pass the earth to the next generation in as good a condition or better as when we received it.

We very much hope that the aspiration of the Paris talks to deliver the first ever truly global deal to tackle climate change is realised. However, we recognise that creating consensus on the issue is extremely difficult, as was evident from the previous United Nations Climate Change Conference in Copenhagen in 2009. Some 20,000 people are due to attend the Paris conference. Among them will be 140 global leaders, including Barack Obama, Vladimir Putin and David Cameron. It is to be encouraged that the Environment Minister will also be in attendance to represent Northern Ireland.

The challenge of tackling climate change is no less formidable now than it was five years ago. The Ulster Unionist Party is fully committed to reducing our emission levels in line with the United Kingdom's commitments to reduce greenhouse gas emissions by 80% from 1990 levels by 2050 and to reduce our carbon footprint consistently.

During Danny Kennedy's tenure as Regional Development Minister, he did his utmost to reduce emissions by making public transport more attractive. Indeed, the Belfast rapid transport system, which Mr Kennedy worked on for a long time, is introducing vehicles that utilise some of the latest hybrid technology, with lower noise vibration and, indeed, pollutants. He was rightly acknowledged for leading the cycling revolution and taking steps to create a Northern Ireland where people have the freedom and confidence to travel by bicycle. However, it appears that, collectively, the Northern Ireland Executive are not doing all that they should to bring down emissions. The Executive are on course to miss the Government targets to reduce emissions by 35% from 1990 levels by 2025. I hope that this does not become another example of the Executive being unable to deliver.

From recent figures, we can see that, rather than the Executive taking real steps forward in reducing emissions, they are going backwards, with emissions increasing from 2011 to 2012 and remaining static in 2013. That is simply not good enough. I acknowledge Steven Agnew's amendment, which seeks to establish a Northern Ireland-specific climate Bill, but there is clearly a lack of agreement among the parties on the issue.

Mr Frew: Will the Member give way?

Mrs Overend: If you do not mind, I will continue. The levels of public consultation required in discussions with relevant stakeholders would take up a significant amount of time, so much so that it would be unachievable to establish such a Bill within the mandate. While it may not be an ideal scenario, Northern Ireland, as well as the other devolved Administrations, are covered by the UK Climate Change Act 2008, which established the world's first legally binding climate change targets. In the absence of specific Northern Ireland legislation, it is our party's view that all public bodies, including local government, should put in place carbon reduction strategies with accompanying targets to measure progress.

8.00 pm

It is clear that there is much more work to be done to lower emissions. That will involve innovative solutions. We should maximise the potential of our renewable sources by supporting advances in solar, biomass and hydro technologies, provided we do so in a way that is sensitive to local communities. The Ulster Unionist Party will continue to support steps to increase energy efficiency and, in line with UK targets, to substantially reduce greenhouse gas emissions in pursuit of a strong and sustainable environment for Northern Ireland.

Mr Frew: Will the Member give way?

Mrs Overend: I have just finished. Sorry.

Mr Deputy Speaker (Mr Beggs): I call Mr Paul Frew.

Mr Frew: Thank you, Mr Deputy Speaker. I was about to ask the Member for Mid Ulster whether the Ulster Unionist Party supports a climate Bill for Northern Ireland, but I never got the chance. I will give way if she wishes to answer the question, but if not we will move on.

There is no doubt that the United Nations climate change conference is very important. It makes ambitious global plans to tackle the threat of climate change, and I welcome the Minister's attendance, not only to represent Northern Ireland but as part of the UK delegation. It is very useful, and it will stand him and the Assembly in good stead. There will be more than 190 countries in Paris to try and agree something that they have never been able to agree before. I will welcome any real

progress, because countries can do more. Some of the greatest emitters in the world can do a lot more than they have done, especially over the last 25 years.

Mr B McCrea: Will the Member give way?

Mr Frew: Yes, I will.

Mr B McCrea: The Member issued a challenge to the Ulster Unionist Party, but I invite him to clarify his position. What I have heard so far is a lack of consensus. Does the Democratic Unionist Party accept that climate change is a problem, and will it take any actions necessary to address the problem?

Mr Frew: I thank the Member for his contribution. I can be very clear: we see this as a problem, and we see that things have to be done, but we cannot support a climate Bill for Northern Ireland. I will get to that later.

Most of the countries at the summit have never agreed, and probably will not agree, legally binding clauses or legislation. The US never ratified the Kyoto treaty from 1997. It is one of the top five emitters in the globe, and it will not ratify Kyoto.

Mr Lyons: I thank the Member for giving way. Just for his information, the United States and Canada have both said already that they will not commit to any legally binding targets.

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

Mr Frew: I thank the Member for that contribution.

India and Saudi Arabia — for different reasons, of course — are only two of the countries trying to water down the rules to keep on using fossil fuels. Of course, Canada has withdrawn completely from the Kyoto protocol. China will even resist any transparency that the UK might try and place in an agreement, even a voluntary agreement. We are therefore faced with a difficult position. However, it is a global problem. While I can certainly support the motion and the intentions behind it, I cannot support the amendment, because one thing that we cannot do in Northern Ireland is tie the hands of our farming community and of our business community, which exports and uses transport, and of this region of the UK generally. The UK passed the Climate Change Act 2008, and we are part of that. Look at Northern Ireland's record on this.

The International Energy Agency, a think tank, estimates that 13.5% of the world's primary energy supply was produced from renewable sources in 2013.

That sounds like a pretty decent slice, but almost three quarters of that was from the burning of wood, dung and charcoal in the poorest countries. Wind turbines, solar farms, tidal barriers and geothermal power stations made up just 1.3% between them, and that is globally. Little Northern Ireland produces 20% of its energy through wind. Northern Ireland is punching well above its weight when it comes to the fight against climate change. I plead with the Minister and the House to continue that good work and keep enticing and encouraging our businesses, councils and Departments to do more.

Mr Agnew: I thank the Member for giving way. Does he not agree that all of that has been put under threat with the withdrawal of subsidies for wind energy?

Mr Frew: No, it is not. How could it be under threat when we are already at 20%? How can you put under threat the 20% that we already generate? If we generate more, that would be great, but not at the cost of crippling our businesses or hurting our agricultural base. These are the people who will help propel Northern Ireland into a better place. Why would we tie their hands behind their back when China will not do what it is told on voluntary arrangements? In fact, China will balk against transparency, especially when India produces more cars and burns more fossil fuel. Why would you tie the hands of Northern Ireland's businesses? I plead with the Minister to encourage, cajole and incentivise but not to tie the hands —

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

Mr Frew: — of our businesses behind their back. You will hurt our families even more. We already have rules —

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

Mr Frew: — with regards to the Climate Change Act in the UK.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh an díospóireacht seo. I welcome the debate and place on record my support for the amendment.

We had tabled a similar amendment, but it was not selected as Mr Agnew's appears to be more comprehensive. The overall sentiment of seeking an ambitious climate change Bill was the same, so I am more than happy to support Mr Agnew's amendment.

I also want to take the opportunity to send my support and gratitude to all those who were involved in activism over the weekend to highlight the talks that are going on in Paris. Those people, more than the global leaders who will invariably take all the media attention over the week, deserve our thanks for raising the issue and making sure that it was the headline story on the news all day yesterday and for much of today. Climate change is the most important issue for this and future generations.

I heard one of the people interviewed on 'The RTÉ Nine o'clock News' last night quote a very simple phrase. The gentleman said:

"We are the first generation to feel the effects of climate change and the last that will be able to do anything about it".

It is very important for us to remember that.

For once, we have significant scientific evidence telling us what will happen if the temperature continues to increase, but we still have time to act. We do not have much time, but it is important that we take as many opportunities as we can to reduce any further increase in the temperature of the planet.

The first thing that we need to do is to move to reduce carbon emissions and introduce Government policies that reflect that requirement. Some Members of the House and some members of the community are open proponents of fracking, which is one of the biggest threats to tackling the serious issue of climate change. If we are serious about keeping the temperature of the planet lower, we need to stop going after fossil fuels, particularly those extracted by non-conventional and dangerous methods. We need to move away from fossil fuels; we do not need to look for more of them.

We also need to invest in energy efficiency. For the last five years, the Assembly and the Executive have missed the opportunity to invest tens of millions of pounds in retrofitting homes and businesses through the failure to implement the green new deal.

Mr B McCrea: Thank you for giving way. In exhorting people to invest, does the Member

think that the Northern Ireland Executive should invest in the grid infrastructure so that we can bring more wind power online? What is his position on the interconnector with the South of Ireland?

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

Mr Flanagan: I thank the Member for his intervention. The Executive should not just invest in the grid; it is my view that the grid should be nationalised, because it effectively operates as a subsidised monopoly. Why should that happen? Why should private companies be allowed to profit from something that is run in the public interest? Instead of just investing in it, I would like to see it nationalised and run in the public interest.

With regard to the North/South interconnector, the Member is well aware of Sinn Féin's policy on it: we want to see it undergrounded, particularly through the A5/N2 project, as it makes sense to me that it should be done as part of that scheme. I do support infrastructural investment, but energy efficiency is one of the greatest tools that we have for reducing consumption, which is just as important as reducing overall usage of carbon emissions. It could be done very simply by investing in energy efficiency. Not only would that reduce emissions, it would also create thousands of local construction jobs and reduce the fuel bills of families here.

Moving away from local activism and towards a more global scheme, people like Pope Francis have shown great leadership on that issue at a global level. In my own constituency, Father Joseph McVeigh, with the support of Bishop Liam MacDaid, has established the Clogher Justice Peace and Integrity of Creation group, which counts campaigning and action to prevent climate change as one of its top priorities.

Mr Girvan: Will the Member give way?

Mr Flanagan: I will, Paul; go ahead.

Mr Girvan: For a point of clarification, does the Member have any idea what the cross-section of the cable for that underground interconnector would be?

Mr Flanagan: I do, and I am happy to speak to you afterwards, Paul, but I have a minute and a half in a debate about climate change here, and I do not think that I should talk about the North/South interconnector.

That group has tackling climate change as one of its key priorities and now has the support of people from other denominations, including the Reverend Kenny Hall, who supports the work of the group and what it tries to achieve. The Church and our religious leaders have recognised the seriousness of the issue; so too have many scientists. It is now time that we as a political class grasp the seriousness of the issue and work to ensure that we address it.

I support the call for the Minister to bring forward a Bill. We hear a lot about how he has to get Executive support, but many Members have tabled questions to him and, in one previous answer, he indicated that he does not have support from Executive parties but that he would bring proposals to the Executive once he had concluded his considerations. I am keen to see what proposals he brought forward and whether his considerations were concluded.

A former Environment Minister who is constantly talked about when we talk about climate change, Mr Sammy Wilson, recently appeared on 'Inside Politics' on the BBC with Mr Agnew and, amazingly, described saving the world as a vanity project. I have never heard such nonsense. His views are clearly antiquated, and, fortunately, he represents a minority.

I do not think that some people have grasped the environmental and societal impacts of climate change —

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

Mr Flanagan: — and the fact that it will be felt much greater in areas of the world where poverty is much higher and where levels of prosperity and affluence are not as high as here. We have a responsibility to other citizens in the globe, not just to those who live here.

Ms Hanna: I thank the Member for bringing the debate and clarifying our minds on it. I think that we are agreed that climate change is the biggest challenge facing this generation and the world today. It is not just about environmental issues; it is about poverty and global security. It is certainly welcome that the Minister is attending the summit next month. I know that since he first took up office he has worked to build the consensus that we need here for a climate Bill.

COP21 does have the ability to change how we deal with climate change. There are 160 countries coming together, representing 90% of

emissions around the world and 90% of the world economy. The fact that they have already put proposals on the table is a change from business as usual. I remain optimistic, but the kind of transition that we need to a lower-carbon economy will take coordinated effort and binding targets. We certainly cannot expect developing countries to jump first.

The SDLP sees climate change as a global justice issue. It is a very current issue; it is not hypothetical. As others said, those who are least responsible are already on the front line of drought, flood and other extreme weather events that are making food security a massive issue and making food chains less predictable or secure. Extreme weather hits our screen around things like a cyclone in the Philippines and hurricane Sandy. The Member has left, but I do differentiate between weather and climate, as they are very different things and should be treated in different ways. Those shocks are reducing agricultural yields, causing food price shocks and massively growing the hunger gap that many of the world's poorest people already experience.

8.15 pm

The Member on the Benches opposite mentioned climate change as scaremongering: it is not. We are ignoring the reality in front of us. I was with Concern in Bangladesh in 2010, and up to a fifth of that country is already, at times, underwater. Hundreds of thousands of climate refugees have nowhere else to go and are living a forced nomadic lifestyle to try and stay ahead of flooding and landbank erosion. Drought and hunger are exacerbating conflict in places such as the Horn of Africa. If we look at the conflict-driven Syrian refugee crisis, we can see that this is an interconnected world. We cannot close our eyes to these issues any more, and that is another reason why this is our problem. I think those —

Mr B McCrea: Will the Member give way?

Ms Hanna: I will.

Mr B McCrea: The Member has been talking about nations. I draw her attention to the plight of Pakistan, where one of the most densely populated areas in the world is under huge threat. Many countries are saying that a reduction of 2°C is too much and that we should be aiming at 1.5°C. Even if we were to get 2°C, it is by no means certain that that would fix the problem.

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

Ms Hanna: Fortunately, I think that the targets that have already been put on the table would probably produce 3°C, which is considerably higher than the 2°C we need. Even those who are not motivated to alleviate human suffering — and I am sure that everybody in the Chamber is — global security concerns mean that getting a deal in Paris has to be an absolute no-brainer.

So, these talks need to address simultaneously mitigation, reducing carbon emissions and the global temperature rise and helping people who are least able, and most vulnerable to climate shocks, to adapt. I worked in international development for 10 years before coming into the Assembly. The innovation, creativity and will are there, at low level and national level, for people to develop their economies in a more sustainable way. However, if you add up all the interventions on the table for adaptation, they come to something like \$3 per smallholding farmer in the world. That is not enough. There needs to be substantial financial support for that.

Every month and year of delay in tackling climate change is making it harder. As others have said, it really threatens to reduce all the progress that has been made. Around the world, people are wary that politicians do not have the vision and long-term thinking beyond their next election to make the really major infrastructure and mindset shifts on this. We have got to stop seeing decarbonisation —

Mr Frew: Will the Member give way?

Ms Hanna: I will not, because I am just going to finish up. We have got to stop seeing decarbonisation as a punishment and a threat. We have to start looking at the benefits it can bring to our lifestyles and economy. Hopefully, we in the Assembly, who are probably least known for our vision and long-term thinking, can confound that view and come up with something binding here.

Mr Frew: Will the Member give way?

Ms Hanna: I will finish — if you want to, go on ahead, yes.

Mr Frew: I thank the Member for giving way. She has that extra minute. I hear what she is saying, appreciate all her arguments, and I am on the same page with a lot of them. However, can she tell the House how a climate Bill for

Northern Ireland could make any inroads that we cannot make under the UK Climate Change Act 2008. The deal really has to be done in Paris, with the emitters that are doing most damage — the big five, 10 and 25. Northern Ireland generates 4% of the UK's emissions.

Ms Hanna: I have only 20 seconds, but I think that that discussion is being held. We need to have binding targets here. I will finish by quoting my favourite placard from the many I saw yesterday. It simply stated:

"Blah, blah, blah, fix this now".

We have to. We can have that conversation, and I am sure that the Minister will happily have it with you.

Mr Deputy Speaker (Mr Beggs): I call Jim Allister, and the Member will have four minutes of the remaining debate.

Mr Allister: Thank you, Mr Deputy Speaker. This debate could do with a bit of climate change itself. We are missing Mr Sammy Wilson to raise the temperature a bit, but there we are.

I have no issue with the fact that there is climate change. I have no issue with the fact that, as its custodians, we should seek not to damage the planet and pass it on in as good shape as we possibly can. However, I have a major issue with the cause of climate change. I do not swallow all this climate alarmism that it is all man-made. I believe the truth to be that climate change is cyclical. In the 16th and 17th centuries, there were winter ice-skating fairs on the River Thames. Before that, in the 11th century, we had the medieval warming period, when they grew grapes in Britain. Who are we going to blame for that? Was it due to the emissions that were belching out from the Industrial Revolution? I do not think so. In the 1st century, we are told, there were grapes grown in Britain at the time of the Romans. So, I hear talk about climate change deniers, but what about the history deniers who deny the fact that, cyclically, the climate has changed over the centuries and is doing the same again?

Mr Flanagan: Will the Member give way?

Mr Agnew: Will the Member give way?

Mr Allister: No, I am sorry, I have not been given any extra time, so I will not.

Yet, puny man thinks that we will somehow, with our tiny little teaspoon, stop the inevitable cycle of climate change. It is vanity to have a motion like this, talking about the mighty things that we are going to do. Yes, you should not add to it, but the truth is that most of it is beyond your control. That is something that the climate change alarmists fail to face up to. That should be the starting point.

Then, we should recognise that some of the things that this motion would have us do, and what its supporters would like to see come out of Paris, would inflict immense damage on some of the poorest countries in the world, which are dependent on fossil fuels to try to pick themselves off the floor — the Indias and the Chinas. Who are we in the West to say to them, "You shall not have the opportunity that we had to build an industrial society by using the fossil fuels that you have. It's all right for us, but it's not all right for you. You just live in your poverty."? That is the grandiose message of some of this motion.

Then, of course, we think, "Ah well, we will have all sorts of wonderful targets, and we'll feel so much the better for it." Never mind the fact that, in setting those targets, we inflict upon our population unnecessary and huge energy costs. We go for the most expensive form of energy possible, namely wind energy, subsidise it to the hilt, expect the consumer to pay and then we say we are serving the interests of the community.

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

Mr Allister: We need a reality check, and this motion is taking us in the opposite direction.

Mr Durkan (The Minister of the Environment): I thank the Chairperson of the Environment Committee and the Committee itself for proposing this very timely debate on climate change, which corresponds with the opening day of the Conference of the Parties in Paris. I also thank Stephen Agnew for tabling his amendment to the motion, and I am grateful to all Members for their contributions to this very important debate.

As most Members pointed out in their contributions, the mounting evidence on the speed and impact of climate change is indisputable. The Intergovernmental Panel on Climate Change reports published last year set out the overwhelming scientific evidence that current climate change impacts are set to increase and will do so dramatically unless

urgent action is taken to reduce global greenhouse gas emissions.

Mr B McCrea: Will the Minister give way?

Mr Durkan: I might come to you later, Basil.

The reports highlighted that climate change is set to inflict severe, widespread and irreversible impacts on people and the natural world unless carbon emissions are cut sharply and rapidly. The truth is that climate change presents the biggest worldwide challenge of our time. It presents the greatest risk to our health, environment and economies, and it will affect us all no matter where we live.

However, the gravest injustice is that climate change hits hardest the developing world, those who have done the least to cause it. I firmly believe that we have a moral responsibility to protect the poorest and most vulnerable groups and regions from the dangers of climate change, and it is critical that we take action now.

International efforts are necessary to ensure protection of humankind and our planet and to limit the increase in global average temperature to below 2°C, increases above which would lead to significant and dangerous climate impacts throughout the world.

At COP21, I will work closely with the UK Government, devolved Administrations and the Irish Government in supporting efforts to reach an ambitious and robust international agreement. In preparation for the conference, countries have publicly outlined what post-2020 climate actions they intend to take under a new international agreement. Those contributions will largely determine whether the world achieves an ambitious agreement in Paris that puts us on a path towards a low-carbon, climate-resilient future.

In March this year, the 28 member states of the EU submitted their intended nationally determined contributions giving a commitment to an EU-binding target of at least a 40% domestic reduction in greenhouse gas emissions by 2030 compared with 1990. I fully endorse the EU's climate change ambition set out in that approach and the meaningful contribution that it makes to a balanced global agreement in Paris. The COP in Paris and the proposed international agreement on contributions is the biggest of its kind to take place, gathering together the countries that are responsible for 86% of global emissions. This is about four times the amount of global

emissions covered by the Kyoto protocol, the world's first carbon-cutting treaty.

In Paris, I will be part of the UK delegation and therefore involved in discussions around the Secretary of State's negotiation position. I will engage with other Environment Ministers and attend events that focus on how Governments at the devolved and regional level can take action to invest in sustainable economies that deliver the benefit of reduced emissions, job creation and security. It is also my intention to engage with representatives from charities such as Christian Aid, Trócaire and the Mary Robinson Foundation, some of whose good work has been mentioned today. My aim is to encourage and provide support for a comprehensive global agreement on climate change action that ensures that we fulfil our moral responsibility to protect the poorest and most vulnerable people and regions from the dangers of climate change.

I also firmly support objectives for any agreement at Paris that will secure additional funding from 2020 onwards. This funding is essential in order to help developing countries with their plans to mitigate and adapt to climate change. The international agreement must be supported by a comprehensive monitoring and reporting regime and enshrined in a legally binding agreement to ensure that countries abide by their commitments. If we achieve a successful outcome on the issue in Paris, we will offer those in poverty the opportunity to build for a sustainable future and mitigate the worst impacts of climate change.

At home, we must also play our part and make our contribution to reducing greenhouse gas emissions. As outlined in the Committee's motion, the current projected reduction of greenhouse gas emissions for the North is 33.3% by 2025, based on 1990 levels, and falls just short of the PFG target of 35%. Mr Agnew, rightly in my opinion, asked what had been done since the debate last year that — unexpectedly, I suppose — gave me a mandate to pursue climate change legislation through the Executive. Mr Flanagan asked something similar. While I was given a mandate, what was demonstrated that day and again today is that there is no consensus on the issue. I have been working to build consensus and to build momentum for climate change legislation. While some parties and Departments are still reluctant, it is them and not us who are the King Canutes here. They are standing against a growing tide of scientific and public opinion.

Mr B McCrea: Will the Minister give way?

Mr Durkan: I will try to get you in later. I have a lot to get through. I am not trying to freeze you out.

I will continue to work across all Departments to examine and report on emissions reduction performance both within Departments and through partnership working across Departments and with other stakeholders. I will also continue to encourage, identify and promote current and new actions to reduce emissions and to monitor their effectiveness. The motion calls on me, with Executive colleagues, to step up efforts and consider innovative approaches to help reduce emissions and move to a low-carbon economy. To date, we have developed mitigation and adaptation plans and annual reporting mechanisms to the Executive. There is no doubt that we are making progress.

8.30 pm

Our energy sector has significantly reduced its emissions from electricity generation, while our renewables sector has expanded its contribution to our energy demand. Our agriculture sector has been working hard to reduce carbon inputs in its production, thus helping its promotion in global markets. Mr Irwin expressed concerns about potential costs for the agriculture sector: it is important that we look at the work that has been done in other jurisdictions, particularly the South, which has a similar reliance on agriculture for its economy. Through work on carbon-intensity indicators, there has been no negative impact on productivity. While their Origin Green policy drives it forward, our orange and green politics hold us back. Mr Boylan referred to the transport sector. It has seen the development of an e-car infrastructure. The infrastructure is there, and people are slowly but surely switching on to the merits of electric vehicles.

In my Department, I have agreed voluntary prosperity agreements with several companies, through which the NIEA and an organisation or business can explore innovative approaches to reducing environmental impacts in ways that create prosperity and well-being. Those who have signed up to the agreements are already seeing the benefits to the planet and, importantly, to their pockets.

The message is also being brought to future generations. I am proud to say that Northern Ireland is the first place in the world to achieve 100% Eco-School status. We are creating little eco-warriors in every school across the North.

We have reduced the amount of waste going to landfill, increased recycling and supported innovative projects that match my desire to work towards zero waste and a circular economy. Mr Boylan referred to disparities across councils when it came to recycling policies. That is something that I am acutely aware of. I have made no secret of my preference to move towards a single waste authority and the implementation of uniformity across councils. The simpler we make recycling, the easier it will be for people to do and the more successful it will be. The Member also referred to an increase in the incidence of severe weather, as did others, although I have not seen many of the heatwaves that Cathal referred to.

While current projections indicate that we are close to the target of a 35% reduction in greenhouse gas emissions by 2025, its achievement remains challenging. There remains considerable uncertainty due to the range of variables, policies and issues that have the potential to lead to a slowdown in the rate of reduction or even to an increase in emissions. That could be anything from a cold winter, the rate of economic growth or a change in government policy. One such example is the recent DETI proposal on the closure of the Northern Ireland renewables obligations (NIRO) for onshore wind development. It is estimated that the closure could result in energy from renewable resources making up only 30% of the required demand by 2020 and not the 40% indicated in the strategic energy framework. That could have a significant adverse effect on the future projected performance against the PFG target for greenhouse gas emission reduction.

It is incumbent on government to show leadership and to act as a driver for action. That is why I am fully committed to ensuring that the North plays its full part in minimising emissions. I have strenuously supported having our own climate change legislation, which would provide clarity and the long-term certainty that business and industry need. It would create the environment to drive and encourage innovation, to plan effectively in the technology needed and to generate employment as we make the transition to a low-carbon economy and a more sustainable and just society. In doing so, we could deliver my vision of a better environment and a stronger economy. Most importantly, we must deliver for our people, from how we deliver our services as a Government to the support that we provide to business. They must see the benefits of attracting business and industry in the jobs that they deliver and in how, together, through

efficiency, planning and innovation, we can deliver a better environment for all.

I want to pick up on some of the points that were raised, while I have a wee minute.

Paul Frew wondered whether agreement was possible at Paris. I seem to remember his party saying that agreement would not be possible at Stormont House unless certain conditions were met. They were not met, but there was agreement. Without seeing a climate change Bill for Northern Ireland, he has said that the DUP will not support a climate change Bill for Northern Ireland. It seems as though the DUP is doing a Meatloaf song: "We would do anything to stop climate change, but we won't do that."

Phil Flanagan made a very pertinent point on the wasted opportunity that was the green new deal. He referred, as did Alban Maginness, to the leadership that was shown by the Churches. Recently, I met Church leaders from across the island. He would be interested to learn about the deliberations that I have had in progressing legislation. I think that he would also be very interested to learn which Ministers resistance is coming from.

I see Northern Ireland climate change legislation as part of a strategy in achieving my aim. That is why I have issued a discussion document to stakeholders that outlines my thoughts on climate change legislation and seeks their support for the introduction of a climate change Bill in the next Assembly term. My discussion document seeks the views of stakeholders on a range of proposals that I would like to see included in a future Northern Ireland climate change Bill. These include ensuring that we contribute to the reduction of greenhouse gas emissions by the setting of a long-term target; providing powers to set interim targets that would assist in evaluating progress being made to the long-term target while ensuring that we remain competitive in a global economic market; and providing powers to establish an independent climate change advisory body.

In parallel with this exercise, at my request, the Committee on Climate Change is working on an update on its 2011 report 'The Appropriateness of a Northern Ireland Climate Change Act'. That update is expected to be published next month. I believe that the outcome of my discussion document on proposals for taking forward our own climate change legislation and the update from the Committee on Climate Change on the appropriateness of a Northern Ireland climate change Act, along with the

outcome of the climate change conference in Paris, will ensure that we are well placed to make a climate change Bill central to the work programme of the new Department of Agriculture, Environment and Rural Affairs. I will also endeavour — I look forward to support — to ensure that the passage of this vital legislation is central to the next Programme for Government.

Mr Agnew: What if it is all a hoax and we make the world a better place for nothing? What if we insulate our housing stock and prevent the atrocity that is more people dying in Northern Ireland due to winter-related deaths than in Finland, where temperatures are much colder? What if we switch from pollutant fossil fuels and reduce the 500 deaths a year in Northern Ireland due to air pollution? What if we cut congestion? What if we did all those things and climate change is, as Mr Allister would suggest, something that we could not affect?

Mr Frew: Will the Member give way?

Mr Agnew: I will give way very quickly.

Mr Frew: What if Northern Ireland had the second most expensive energy costs in Europe? What if we lost thousands of jobs because of that fact? What if you put thousands of people into poverty overnight because they lose their job?

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

Mr Agnew: What if we did not have a DUP energy Minister?

The Member made arguments about tying people's hands, the threat of legislation and the danger of going down that road. He suggested that we were already on the right trajectory. I am sorry to the Member, but if his view of the right trajectory is scrapping the green new deal to insulate people's homes and tackle fuel poverty, and switching instead to a subsidy for the gas industry and withdrawing subsidies from renewables, which are not a threat to farmers — in fact, the Ulster Farmers' Union is legally challenging that — it is not a view that I share. Instead of subsidising clean, green, renewable energy, we provide £32 million for gas to the west and subsidise a gas power station at Ballylumford that puts 1% on every energy bill, including the large energy users that the Member is a great defender of. We are subsidising that at the same time as withdrawing subsidies for renewables. We still have a target of 100% of Housing Executive

homes being heated by gas while the rest of the world is coming to the conclusion that we need a future that is fossil-free.

Mr B McCrea: Will the Member give way?

Mr Agnew: The Member did not get an opportunity to speak, so I will give way.

Mr B McCrea: Thank you; I will be brief. I ask the Member in his summation to address the two counterarguments in the debate. The first was from Paul Frew, who said that there is climate change but that Northern Ireland is too small to do anything about it and that the issue is for China and India. The second argument — climate change probably happens but is cyclical, and we cannot do anything about it — was put forward by Mr Allister in the face of overwhelming scientific evidence that it is man-made.

Mr Agnew: Mr Allister's point that climate change is somehow cyclical, that that has not been taken account of by the greatest scientists around the globe and that this would be news to 97% of the Intergovernmental Panel on Climate Change is up there with the people who told me, when we had the volcano eruptions, that volcanoes were causing climate change. The IPCC is well aware of volcanoes and cyclical climate change; the evidence is about human-caused climate change. That is what we are talking about and is what we need to tackle.

Mr Lyons: Will the Member give way?

Mr Agnew: I cannot give way any further because of time constraints.

Mr Allister made a point that world poverty would somehow be increased because we are going to prevent poorer nations from developing. I will give him the benefit of the doubt and put it down to ignorance rather than deception, because the very central point of the Paris talks is about contraction and convergence: we meet those poorer countries halfway, reduce our emissions and allow them to increase theirs so that we have equity across the globe to tackle poverty and ensure that the developing world, which has suffered as a result of our lifestyle, does not continue to do so and that we have fair distribution.

On the point that we, as a small country or region, cannot or should not act, I say that we must act. Indeed, we must give certainty to investors who want to invest in renewable and low-carbon technologies that this is the trajectory and that this region and this

Government are committed to taking action on climate change. In response to Mr Wilson: I am so vain; I do think that climate change is about me. I think that it is about you and about all of us, and we need to act now.

Mrs Cameron (The Deputy Chairperson of the Committee for the Environment): I welcome the opportunity to conclude the debate on the Environment Committee's behalf. I thank everyone for contributing to the debate this evening. There is no doubt that the subject of climate change generates passion, emotion and debate, which has been demonstrated by many of you.

Before I make my winding-up speech, I reiterate the need for the Executive to work together to develop further innovative approaches. This evening, many of you reflected on the need for a climate change Bill, and the House will shortly decide whether it wishes to accept Mr Agnew's amendment calling for such a Bill. Outside of that, however, there are many innovative approaches that the Executive can adopt to reduce our greenhouse gas emissions further.

As the Chair outlined in her opening remarks, the largest source of emissions in Northern Ireland comes from agriculture, transport, energy supply and the residential sector. No Department can work in isolation to tackle this issue.

A cross-departmental working group on climate change is certainly a start, but, given the uncertainty over whether Northern Ireland will achieve its 35% reduction of emissions by 2025, we should refocus our efforts and work together to become innovators and leaders in developing approaches to achieve this target. The Committee saw one such example of innovation a few weeks ago during a visit to a recycling centre which is part of a social enterprise. It offers an innovative approach to reuse recycled materials, which generates both environmental and economic benefits. It certainly provided members with food for thought.

8.45 pm

I will now refer to Members' contributions. Anna Lo, speaking on behalf of the Alliance Party, talked about a 1% increase in global temperature according to the Met Office. She talked about the poorest countries facing the greatest harm, the upset to the entire ecosystem and the loss of biodiversity and habitat. She referred to her discussion with —

sorry, I cannot make out the rest of that. She wants to see a climate change Act.

Mr Steven Agnew, who proposed the amendment, was delighted that the Minister would be at the conference. As he said, we have to take on our responsibilities and to do that seriously. He said that we have no specific legally binding targets in Northern Ireland. He said that this is an urgent situation that becomes more urgent with each year. He said that the sooner we act, the less costly it will be in human and financial terms. In response to an intervention, he said that he would accept the evidence and views of international scientists. When this motion was discussed previously, it was on the back of incidents of flooding, and increasing global food prices may make farming in some parts of the world unsustainable. Climate change leads to greater instability in the world, he said, and it is unfortunate that those who have done least to cause climate change will be the most affected by it. He said that what we are seeking to do in Paris is not to stop climate change but to deal with its worst effects. He also said that 10,000 jobs could be at risk in the renewable energy sector and that we are still subsidising fossil fuels.

William Irwin spoke next, and, from an agricultural background, he said that agricultural activity accounts for 29% of emissions produced in Northern Ireland. He said that scientists are taking an in-depth approach to reduce methane emissions from cattle by changing the make-up of feed. He said that the fact that we are discussing greenhouse gases in agriculture shows the attention that is given to all aspects of production. He talked about the farmer already having to deal with restrictions and the farmer playing a vital part in protecting the land. He called for a level of common sense and not to overly burden farmers, and said that solutions and approaches should be workable in the real world. He concluded by saying that we had had the worst weather in 100 years and asked whether that was global warming.

The next Member to speak was Cathal Boylan, and he spoke in favour of the motion and the amendment. He said that climate change is one of the greatest challenges facing modern society. He said that we must attempt to meet or exceed the Programme for Government targets for emissions. He talked about transport and agriculture being the main contributors and of how we can prevent food waste from going to landfill. He said that we need to look at all councils introducing a kerbside collection system.

Alban Maginness spoke next, and he welcomed the motion. He said that there is a moral obligation to care for the world and all of its people. He spoke about Pope Francis and the fact that he had put this to the top of the agenda, and that it is not just an environmental issue but a social issue. He said that we need to address the issue globally and that we must look after the earth. He commended the Minister for going to Paris to send out a strong message that we are part of the world and that we want to make our contribution. He commended the Minister for bringing forward climate change legislation and said that we must cooperate with colleagues in the UK and Ireland. He spoke of its effect on us all.

Next we had Sandra Overend, and she spoke about creating consensus and how difficult that is. She also said that when Danny Kennedy was the Regional Development Minister he did his utmost to reduce emissions. Sandra spoke about the Executive being on course to miss targets for emissions and said that there is clearly a lack of agreement on climate change. She said that Northern Ireland is covered by the UK Climate Change Act and that there is much more work to be done.

Paul Frew spoke next and asked whether the Ulster Unionist Party supports a climate change Bill. He welcomed the Minister's attendance at the conference as part of a UK delegation. He said that he would welcome real progress at the conference, as countries have responsibilities. He said that he sees climate change as a problem but cannot support a climate change Bill. He spoke about the USA never ratifying the Kyoto agreement and about China resisting any transparency in agreements. He said that he could support the motion but not the amendment. His concern was that we do not tie the hands of farmers and businesses when the UK already has a Climate Change Act, and we are already part of that.

Phil Flanagan spoke on behalf of Sinn Féin and said that it had a similar amendment, which was not accepted. He spoke about climate change being a most important issue for this generation and for those who will follow. He said that there was significant evidence that we still have time to act, and he talked about the need to reduce emissions. He spoke of concerns about fracking and fossil fuels and said that the Assembly had missed the opportunity to invest in the green new deal. He supported structural investment and said that, on a global level, Pope Francis had shown leadership, and that Churches and religious orders had recognised the seriousness of climate change. He welcomed the intention to introduce a Bill.

Speaking next, Claire Hanna said that climate change is the biggest issue facing the world and that we can change how we deal with it. She spoke about the transition to a lower carbon economy taking time and said that we cannot expect the poorest countries to move first. She also said that up to one fifth of Bangladesh already suffers flooding due to climate change and that this is an interconnected world. She said that the targets currently on the table would produce a 3% reduction, which is higher than we need. She talked about the need to help the most vulnerable to adapt and said that every delay in tackling climate change makes it more difficult.

Next, we had Jim Allister, who said that he had no issue with the fact that there is climate change and that we should put the world in the best shape possible. He believes that climate change is cyclical and natural and that most of it is beyond your control. He said that the actions called for would inflict the most damage on the poorest countries and prevent them building a modern economy using their fossil fuels.

The Minister was next, and he thanked the Committee for the motion and Steven Agnew for his amendment. He said that there was overwhelming evidence that climate change is increasing and that it hits the developing world hardest. He said that it is critical that we take action now and that we engage with other Environment Ministers and charities to encourage comprehensive global agreement.

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

Mrs Cameron: I will not get through all the contributions. In conclusion, I would like to wish the Minister well at this week's conference in Paris. The Committee looks forward to hearing the outcome from his officials in the new year.

Question put, That the amendment be made.

The Assembly divided:

Ayes 46; Noes 43.

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mrs Cochrane, Mr Dallat, Mr Dickson, Mr Durkan, Dr Farry, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B

McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Agnew and Mr B McCrea

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mrs Dobson, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Lyons, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr Middleton, Lord Morrow, Mr Nesbitt, Mr Newton, Mrs Overend, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Lyons and Mr G Robinson

Question accordingly agreed to.

Mr Deputy Speaker (Mr Beggs): I have been advised by the party whips that, in accordance with Standing Order 27(1A)(b), there is agreement that we can dispense with the three minutes and move straight to the division.

Main Question, as amended, put.

The Assembly divided:

Ayes 46; Noes 42.

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mrs Cochrane, Mr Dallat, Mr Dickson, Mr Durkan, Dr Farry, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Ms Lo and Mr A Maginness

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mrs Dobson, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Lyons, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr Middleton, Lord Morrow, Mr Nesbitt, Mr Newton, Mrs Overend, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir.

Tellers for the Noes: Mr Lyons and Mr G Robinson

Main Question, as amended, accordingly agreed to.

Resolved:

That this Assembly notes that the 2015 United Nations Climate Change Conference is taking place in Paris from 30 November to 11 December; considers that this is an opportunity to agree an ambitious global plan to tackle the threat of climate change; welcomes the Minister of the Environment's attendance at this conference to represent Northern Ireland; further notes that the projected reduction of greenhouse gas emissions of 33.3% by 2025, based on 1990 levels, falls just short of the Programme for Government target of 35%; and calls on the Minister of the Environment to work with his Executive colleagues to introduce a Climate Bill for Northern Ireland that includes legally binding, long-term and interim targets on the reduction of greenhouse gas emissions.

Mr B McCrea: On a point of order, Mr Deputy Speaker. I want to draw to your attention that, once again, I was the only Member who had his name down to speak who was not —

Mr Weir: No, that is not right. There were at least three.

Mr B McCrea: Sorry, my misunderstanding, Mr Deputy Speaker.

Mr Deputy Speaker (Mr Beggs): Order. Mr McCrea, you have the Floor. Please continue.

Mr B McCrea: Thank you. I do not wish to be inaccurate. I thought that I was to speak after Mr Allister and was therefore next on the list.

It was an important debate, which, as chair of the all-party group, I have had a lot of input into. I really would have liked to have had the opportunity to make a proper contribution. I am grateful that many Members afforded me the courtesy of letting me intervene, but, given the importance of the debate, a few minutes extra from the Business Committee might have been appropriate. I ask you to bear that in mind, Mr Deputy Speaker. I am not making any complaint. I am just drawing that to your attention.

Mr Weir: Further to that point of order, Mr Deputy Speaker, without making any challenge to the Chair, will you confirm that there were Members who were not called to speak in the debate who were higher on the list than some who were called?

Mr Deputy Speaker (Mr Beggs): A number of Members who wished to participate were not called. Acting as the Deputy Speaker, I have the duty to try to give regard to party strengths and the variety of views — the balance of opinion. That is a job that I endeavour to do to the best of my ability.

When everyone does not get to speak, I can assure you that, like this moment in time, I am aware that a number of Members are not satisfied, I understand that it was a motion for which the Business Committee allowed one and a half hours. If someone wishes to change that, it is in the hands of your representatives on the Business Committee. Acting in my role of Deputy Speaker, I am required to follow the guidance that is set down and to endeavour to provide a range of Members to speak to reflect the balance of party strengths and opinion on a particular issue. Your views are on the record and I am sure that the Speaker will be made aware of them. I hope that your representatives on the Business Committee will also be aware of them.

Adjourned at 9.20 pm.

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