



Northern Ireland  
Assembly

# Official Report (Hansard)

Tuesday 8 November 2016  
Volume 117, No 2

# Contents

**Assembly Business** ..... 1

**Executive Committee Business**

Child Support (Deduction Orders and Fees) (Amendment and Modification) Regulations  
(Northern Ireland) 2016 ..... 1

**Private Members' Business**

Ending All Forms of Paramilitarism ..... 4

**Oral Answers to Questions**

Finance ..... 26

Health ..... 35

**Private Members' Business**

Ending All Forms of Paramilitarism (*Continued*) ..... 46

Legacy Inquests ..... 46

**Assembly Business** ..... 70

**Adjournment**

A2 Dual Carriageway Junctions: North Down ..... 70

# Assembly Members

Agnew, Steven (North Down)  
Aiken, Steve (South Antrim)  
Allen, Andy (East Belfast)  
Allister, Jim (North Antrim)  
Anderson, Sydney (Upper Bann)  
Archibald, Ms Caoimhe (East Londonderry)  
Armstrong, Ms Kellie (Strangford)  
Attwood, Alex (West Belfast)  
Bailey, Ms Clare (South Belfast)  
Barton, Mrs Rosemary (Fermanagh and South Tyrone)  
Beattie, Doug (Upper Bann)  
Beggs, Roy (East Antrim)  
Bell, Jonathan (Strangford)  
Boylan, Cathal (Newry and Armagh)  
Boyle, Ms Michaela (West Tyrone)  
Bradley, Maurice (East Londonderry)  
Bradley, Ms Paula (North Belfast)  
Bradley, Ms Sinéad (South Down)  
Bradshaw, Ms Paula (South Belfast)  
Buchanan, Keith (Mid Ulster)  
Buchanan, Thomas (West Tyrone)  
Bunting, Ms Joanne (East Belfast)  
Butler, Robbie (Lagan Valley)  
Cameron, Mrs Pam (South Antrim)  
Carroll, Gerry (West Belfast)  
Chambers, Alan (North Down)  
Clarke, Trevor (South Antrim)  
Dickson, Stewart (East Antrim)  
Dillon, Ms Linda (Mid Ulster)  
Dobson, Mrs Jo-Anne (Upper Bann)  
Douglas, Sammy (East Belfast)  
Dunne, Gordon (North Down)  
Durkan, Mark (Foyle)  
Easton, Alex (North Down)  
Eastwood, Colum (Foyle)  
Farry, Stephen (North Down)  
Fearon, Ms Megan (Newry and Armagh)  
Ford, David (South Antrim)  
Foster, Mrs Arlene (Fermanagh and South Tyrone)  
Frew, Paul (North Antrim)  
Gildernew, Ms Michelle (Fermanagh and South Tyrone)  
Girvan, Paul (South Antrim)  
Givan, Paul (Lagan Valley)  
Hale, Mrs Brenda (Lagan Valley)  
Hamilton, Simon (Strangford)  
Hanna, Ms Claire (South Belfast)  
Hazzard, Chris (South Down)  
Hilditch, David (East Antrim)  
Humphrey, William (North Belfast)  
Hussey, Ross (West Tyrone)  
Irwin, William (Newry and Armagh)  
Kearney, Declan (South Antrim)  
Kelly, Gerry (North Belfast)  
Kennedy, Danny (Newry and Armagh)  
Little Pengelly, Mrs Emma (South Belfast)  
Lockhart, Ms Carla (Upper Bann)  
Logan, Phillip (North Antrim)  
Long, Mrs Naomi (East Belfast)  
Lunn, Trevor (Lagan Valley)  
Lynch, Seán (Fermanagh and South Tyrone)  
Lyons, Gordon (East Antrim)  
Lyttle, Chris (East Belfast)  
McAleer, Declan (West Tyrone)  
McCann, Eamonn (Foyle)  
McCann, Fra (West Belfast)  
McCann, Ms Jennifer (West Belfast)  
McCartney, Raymond (Foyle)  
McCausland, Nelson (North Belfast)  
McCrossan, Daniel (West Tyrone)  
McElduff, Barry (West Tyrone)  
McGlone, Patsy (Mid Ulster)  
McGrath, Colin (South Down)  
McGuigan, Philip (North Antrim)  
McGuinness, Martin (Foyle)  
McIlveen, Miss Michelle (Strangford)  
McKee, Harold (South Down)  
McMullan, Oliver (East Antrim)  
McNulty, Justin (Newry & Armagh)  
McPhillips, Richie (Fermanagh and South Tyrone)  
McQuillan, Adrian (East Londonderry)  
Mallon, Ms Nichola (North Belfast)  
Maskey, Alex (West Belfast)  
Middleton, Gary (Foyle)  
Milne, Ian (Mid Ulster)  
Morrow, The Lord (Fermanagh and South Tyrone)  
Mullan, Gerry (East Londonderry)  
Murphy, Conor (Newry and Armagh)  
Nesbitt, Mike (Strangford)  
Newton, Robin (Speaker)  
Ní Chuilín, Ms Carál (North Belfast)  
Ó Muilleoir, Máirtín (South Belfast)  
O'Dowd, John (Upper Bann)  
O'Neill, Mrs Michelle (Mid Ulster)  
Overend, Mrs Sandra (Mid Ulster)  
Palmer, Mrs Jenny (Lagan Valley)  
Poots, Edwin (Lagan Valley)  
Robinson, George (East Londonderry)  
Ross, Alastair (East Antrim)  
Ruane, Ms Caitriona (South Down)  
Seeley, Ms Catherine (Upper Bann)  
Sheehan, Pat (West Belfast)  
Smith, Philip (Strangford)  
Stalford, Christopher (South Belfast)  
Storey, Mervyn (North Antrim)  
Sugden, Ms Claire (East Londonderry)  
Swann, Robin (North Antrim)  
Weir, Peter (North Down)  
Wells, Jim (South Down)

# Northern Ireland Assembly

Tuesday 8 November 2016

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Agnew:** On a point of order, Mr Speaker. I have been following the selection of motions for debate and the parties that table them, and it seems to follow almost exactly the speaking list order, which is loosely based on d'Hondt. By my reckoning, that means that the Green Party should today be in a position to pick a motion for business in two weeks' time. Will you confirm whether that will be the case? How can a party that is not represented on the Business Committee access its entitlement to choose motions for debate?

**Mr Speaker:** You are aware of the procedures for the Business Committee. If that item appears on the agenda, the Business Committee will no doubt deal with it.

**Mr Allister:** Further to that point of order, I have been a Member for over five years, and, in that time, I suspect that we have debated in excess of 500 motions. Never once have I been permitted the privilege of proposing a motion because of the closed shop that operates in the selection of motions. That is linked to the fact that those of us in this corner of the House are denied representation on the Business Committee, which makes the choices. When will that inequity be addressed?

**Mr Speaker:** Mr Allister, you, maybe above all Members, know the procedures of the House and the Business Committee. The matter has been raised by the Business Committee, which has taken and will take decisions on it.

**Mr Attwood:** On a point of order, Mr Speaker. I refer you to the Hansard report of yesterday's legacy debate, during which a DUP Member made explicit reference to an SDLP Member. Following the explicit identification of that SDLP Member, the Member opposite said the following:

*"I have no truck with, or succour for, those who support the INLA in any way, shape or*

*form, whether that be by carrying a coffin or anything else."*

The key words are:

*"those who support the INLA in any way, shape or form".*

I ask the Speaker for an urgent ruling, if possible today, on the comments made by Mr Poots, in which he claimed that a member of the SDLP supported the INLA:

*"in any way, shape or form". — [Official Report (Hansard), 7 November 2016, p56, col 1].*

I cannot express to you, Mr Speaker, the gravity and seriousness of those words and the importance of your ruling on the matter.

**Mr Speaker:** I will review Hansard accordingly and get back to you ASAP, Mr Attwood.

## Executive Committee Business

### Child Support (Deduction Orders and Fees) (Amendment and Modification) Regulations (Northern Ireland) 2016

**Mr Givan (The Minister for Communities):** I beg to move

*That the Child Support (Deduction Orders and Fees) (Amendment and Modification) Regulations (Northern Ireland) 2016 be approved.*

These regulations, which came into operation on 23 May 2016, enable my Department to waive collection fees for child maintenance in certain cases. My Department will be able to offer those clients the chance to demonstrate a change of behaviour, if an application is made to the 2012 scheme. That process is referred

to as the segment 5 compliance opportunity and will be offered where certain criteria are met. Segment 5 clients are those who have paid maintenance by an enforced method of payment, or who were subject to other enforcement action on their old child support cases.

Let me set out the context. A comprehensive review of the child maintenance system began in 2012, with the aim of incentivising parents to collaborate in the best interests of their children. Aligned with this is the need to move away from the idea that a statutory child maintenance scheme should be the default option for separated parents. To achieve those aims, a programme to close all existing Child Support Agency (CSA) cases began in June 2014. Closing cases gives parents the chance to consider which arrangement best suits their circumstances for the future. Child Maintenance Choices, a free and impartial service, also ensures that parents have the necessary information available to help to inform that important decision.

Parents who believe that a statutory solution would be best for them can still apply to the new 2012 scheme, which is operated by the Child Maintenance Service. New simplified calculation rules and improved IT systems are delivering better outcomes for parents and children. However, fees and charges help to incentivise parents to consider closer collaboration and to use a direct pay service. The fees also provide a contribution towards the cost of running the service.

Encouraging parents to cooperate when arranging child maintenance payments is likely to lead to less confrontation between parents, and that is in the best interests of their children. When approaching case closure, I am, of course, aware of the need to minimise the risk of child maintenance payments being disrupted, particularly in cases where money is flowing only as the result of enforcement action being undertaken on the old CSA case.

Segment 5 cases will be the last segment of cases to be closed. They include cases where money is flowing as a result of enforcement action. However, it is important to give parents, who may have previously been in conflict, an opportunity to avoid charges, as well as a further chance for cooperation. In recognition of that, the Child Maintenance Service will introduce a new positive test of compliant behaviour for those non-resident parents. This is known as the compliance opportunity, and it will take place during the first six months of the 2012 scheme case for this group. During that

time, the non-resident parent will be required to pay half of their maintenance liability via the collection service by a non-enforced method of payment, such as direct debit.

To ensure that the parent with care is protected, a deduction from earnings order will be issued to the non-resident parent's employer. That will collect the other half of the ongoing maintenance liability directly from the non-resident parent's wages wherever that is possible. This payment safeguard aims to minimise disruption for the parent with care during the compliance opportunity. Where the non-resident parent misses even one payment, they will fail the compliance opportunity, and prompt action will be taken to resume collection of the full amount of maintenance to ensure children do not miss out. This maintenance will be recovered by the enforced method of payment already in place, with the collection and enforcement charges applied. Only in circumstances where the non-resident parent is not at fault will an exception be made. If all payments are made, they will pass the compliance opportunity and will have a chance to continue paying child maintenance directly to the parent with care in future.

The outcome of the compliance opportunity will inform the decision over whether the 2012 scheme case should be a direct pay arrangement, which does not attract collection fees, or a collect and pay arrangement, where the Child Maintenance Service manages collections and the usual fees are charged.

It was initially proposed that the compliance opportunity be offered in the final six months of the closing CSA case. It would have been offered to all clients regardless of whether they intended to apply to the new 2012 scheme. This would have involved expending resources unnecessarily, including further significant investment in the CSA computer systems, which are close to their retirement date. However, the compliance opportunity will now be moved to the first six months of the new case on the 2012 system. It will only be offered to those who choose to apply to the 2012 scheme before their CSA case closes and cannot agree on whether their new case should be managed on the direct pay or the collect and pay service.

The Child Maintenance Service will administer cases on the collect and pay service for the duration of the compliance opportunity, which allows an enforced method of payment to be used as a payment safeguard. Ordinarily, these actions would attract collection and enforcement fees on the 2012 scheme.

However, a compliance opportunity protects the interests of the parent with care and can help maximise the number of effective arrangements on the new 2012 scheme. Therefore, the fee waiver set out in these regulations is required in order to be fair to both parents while testing the reliability of the non-enforced payments. This is necessary to ensure the successful delivery of this essential measure. I stress again that the driver in all this is the interests of the children. Their interests are paramount.

These regulations will also make some technical amendments to clarify that existing rules governing regular deduction orders and lump sum deduction orders can include collection and enforcement charges. Regular deduction orders and lump sum deduction orders are enforced orders that are used to secure child maintenance liabilities by deducting money directly from non-resident parents' bank accounts. The provisions in these regulations will ensure that the Child Maintenance Service is clearly able to collect fees alongside the maintenance liability and collect CSA arrears that have been moved to the 2012 scheme. This is in line with existing policy, and these provisions aim to put the legal position beyond doubt.

**Ms Gildernew (The Deputy Chairperson of the Committee for Communities):** Go raibh míle maith agat, a Cheann Comhairle. The former Committee for Social Development considered the SL1 relating to these regulations in March 2016 and was content with the policy objectives of the proposed legislation. The rule was brought before the Committee for Communities in June 2016, and the Committee had no objection to the rule. Members may be aware that, in June 2014, the former Department for Social Development began its programme of ending non-resident parent liabilities on all existing cases on the legacy schemes following the introduction of the new 2012 scheme administered by the Child Maintenance Service.

The Committee considered that the intention of the regulations to waive collection and enforcement fees on the 2012 child maintenance scheme for a specific group of cases was a positive step, allowing time for the most appropriate payment option to be determined. The Committee is content that the regulations support the efficient management of cases and help to minimise the risk of payment disruption. Most importantly, the Committee is content that the regulations are designed to maximise the collection of child maintenance and that fees will only be payable by clients who require services to support their payments.

The Committee also noted that the regulations also contain provisions to make minor technical amendments to existing child support regulations. Therefore, the Committee for Communities recommends that the statutory rule be confirmed by the Assembly.

**Ms Armstrong:** As has already been noted, these regulations will make modifications and amendments to permit the Department to waive collection and enforcement fees on the 2012 child maintenance scheme. This is an important area to tackle, given the difficulties that can currently exist in ensuring that many of the 92,000 single parents in Northern Ireland receive money from non-resident parents.

The regulations emerged from Westminster earlier this year, and provide an opportunity for non-resident parents who have not been paying child maintenance to do so. That is a vital first step hopefully to create a more robust system that ensures that financial obligations to parents and children are met.

#### 10.45 am

How many of us here have encountered frustrated parents on both sides of the argument? We have encountered those who have struggled to engage with absent parents to commence payments and parents who have been pursued relentlessly to make payments. The Alliance Party welcomes today's measures, given that 60% of lone parents are in debt, economically disadvantaged, struggling with childcare payments or navigating a benefits system that is under constant revision by the current Tory Government.

A different approach to making sure that non-resident parents are paying their fair share is welcome and to be encouraged. As I said, 60% are facing debt and hardship, and that is having a negative effect on them and their children. Today's move has the potential to encourage better adherence to committing to payments.

Despite the positives, it is essential that we note that decisions and changes coming from Westminster at the minute are rash and being taken in haste. That was most notably demonstrated by the recent Concentrix debacle, which had a tremendous impact on many single parents. My office, and my colleagues' offices, received a huge number of calls, ranging from anger about decisions to downright bizarre situations. Accordingly, we must be mindful not to offer too much flexibility, which would impact on the payments being

received and could harm those whom we are aiming to protect.

My party colleagues and I support the regulations. However, the Assembly must acknowledge that the measures could provide too much scope and fail those whom they are hoping to protect — the very opposite of what the regulations set out to do.

*Question put and agreed to.*

*Resolved:*

*That the Child Support (Deduction Orders and Fees) (Amendment and Modification) Regulations (Northern Ireland) 2016 be approved.*

## Private Members' Business

### Ending All Forms of Paramilitarism

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. As two amendments have been selected and are published on the Marshalled List, an additional 15 minutes has been added to the total time. The proposer of the motion will have up to 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. The proposer of each amendment will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

The House should note that the amendments are mutually exclusive, so, if amendment No 1 is made, the Question will not be put on amendment No 2.

**Mr Dickson:** I beg to move

*That this Assembly believes that, 18 years after the Good Friday Agreement, all paramilitary organisations should have ceased to exist; notes the Fresh Start panel report on the 'Disbandment of Paramilitary Groups in Northern Ireland' and the lacklustre response from the Executive; and calls on the First Minister and deputy First Minister and the Minister of Justice to produce a substantive response to the report, which contains clear targets, timescales and resources for implementation, identifies which Departments have responsibility for specific actions, and commits to developing a protocol on state and public-sector engagement with individuals with perceived paramilitary connections.*

The Alliance Party motion that I have proposed is to end all forms of paramilitarism. My party, for quite a number of years, and when in and out of government, has resolutely opposed paramilitarism and unambiguously supported the rule of law and human rights. In the wake of the murders in the summer of 2015 and the resultant political crisis, Alliance proposed a fresh commitment to tackle and disband paramilitaries — necessary to reinforce the rule of law and to complete the move to a normal society. Ministerial walkouts, and Ministers walking in and out, highlighted, for the public at least, how serious the issue was being taken at the time. Next week sees the first anniversary of the so-called Fresh Start Agreement, but recent events leave open the question as to how genuinely committed some political parties and Ministers are. I quote the agreement itself:

*"to achieve a society free of paramilitarism ... challenge all paramilitary activity ... challenge paramilitary attempts to control communities".*

The work of my party colleague, the former Justice Minister David Ford, during the Fresh Start negotiations drove forward plans to deal with paramilitarism. We supported the three-person panel on paramilitarism and welcomed its report. However, we are highly sceptical about the Executive's action plan response. That action plan was produced in June 2016 and is clearly very weak. In May, our party's negotiations, submitted to the DUP and Sinn Féin in relation to the Executive formation and the possibility of Alliance potentially taking up the offer of the Department of Justice, were, in part, based around a strong and robust action plan on paramilitarism. What we have seen very clearly is that any Alliance Justice Minister could not and would not sign up to a weak plan. Even the UK Government agree with us on that, because they are not prepared to advance the appropriate funding.

The action plan is deficient in many, many ways. There is a clear lack of strategic analysis and the plan does not produce clear targets, timescales or resources for implementation.

**Mr Givan:** Will the Member give way?

**Mr Dickson:** No, I will not.

The plan fails to identify which Departments have responsibility for specific actions. Often, it reads as if the Executive are trying to tick off recommendations by cross-referencing them to existing policies and programmes. There is little evidence of fresh thinking or a willingness

to even engage in that. Perhaps the recommendations are too difficult for the DUP and Sinn Féin to contemplate.

The Alliance Party motion was, in fact, submitted before the Minister of Finance announced that the UK Government funding would not be released due to an undetailed action plan. At this point, I would like to thank SDLP and UUP colleagues for their amendment to update the motion and to state our support for that amendment, but this debate is about so much more than the lack of UK funding. It is about the predictable and consistent failing of the Executive to achieve anything resembling a substantive response to paramilitarism. Moreover, the credibility even of this poor plan hangs by a thread.

Alliance recognises the reality of engagement with some people, particularly those with a paramilitary past who are working to improve their communities. We are not being naive. Northern Ireland does have a unique problem with paramilitaries and criminal activity, but you cannot use this as a reason not to have clear objectives. However, when we see Government Ministers, including our First Minister, posing for photographs with current paramilitaries, a wrong and destructive message is being sent out. This is a clear example of why the proposals around protocols for dealing —

**Mr Stalford:** Will the Member give way?

**Mr Dickson:** No, I will not.

This is a clear example of why the proposals around protocols for dealing with paramilitary structures are so important. Everyone, from Ministers to public agencies and in between, needs to have a list of dos and don'ts. This is essential for a credible action plan. It needs to be in Northern Ireland's psyche what each one of us should do when we encounter paramilitaries and how we deal with them. One of those dos and one of those don'ts will be taking photographs. How do the Executive think law-abiding people feel when they see people getting a hand up who take the law as guidance and as something to dispense with when it is convenient?

**Mr Stalford:** Will the Member give way?

**Mr Dickson:** No, I will not.

For Alliance, this proposal in relation to the protocol, which we suggested in 2015, is an absolute central plank of a new way forward

that gets away from the gatekeepers and empowers alternative voices in the community. It is more important that it is not seen simply as a matter for the police and other criminal justice agencies but that it covers the entire public sector and makes it clear to bodies such as the Housing Executive and district councils what are the appropriate ways to engage.

I turn to the Sinn Féin amendment. We will not support it, because it weakens the motion. It aims to dilute a motion that calls for less weakness and for a strategy, timescales and implementation in the planned Fresh Start process. For example, section A4, which addresses youth intervention programmes, throws up a number of problems. The issues that permeate the action plan are the lack of timescales and the remarkable lack of detail in the action plan as to when anything will happen or how long it will take on nearly every single point.

Another problem is with youth intervention. It is often too late to intervene by the time young people are introduced to the criminal justice system. We need to work in communities at an early stage to deliver proper communities away from paramilitaries.

Other examples of flaws are in sections A1 and D1 of the action plan. Instead of a comprehensive rethink, with fresh thought on how to progress the disbandment of paramilitaries, we see the lazy recycling of existing strategies. Perhaps if the Programme for Government had not been so poor, the Executive could have made a real attempt to integrate strategies. Instead, there is a box-ticking exercise in the action plan to try to make it look more complete.

We need strong Executive action to implement the plan. There is a danger that tackling paramilitaries will simply fall to the Department of Justice. That would be a mistake in two ways. First, paramilitarism cannot be tackled by Justice alone. When paramilitaries hold communities hostage, disrupt businesses, affect our infrastructure and harm our young people, they hold Northern Ireland back from reaching its potential. The second issue is a more practical one: the pressures on budgets both in the justice system and the PSNI.

**Mr Frew:** Will the Member give way?

**Mr Dickson:** No, I will not.

We cannot expect the Department of Justice to take on the additional burden of our



expectations on ending paramilitarism with reduced resources. I will come back to this point later. The action plan on tackling paramilitary activity, criminality and organised crime, needs to get back to the recommendations of the report on the 'Disbandment of Paramilitary Groups'. It is remarkable that two different names are even used. "Disbandment" represents action and outcomes, whereas "tackling" is representative of the Executive's weaker aims.

The Executive also need to stop legitimising paramilitaries in Northern Ireland by supporting pop-up groups through roundabout funding. How can legitimate social investment fund projects hope to work when they are discredited by a small minority that are moonlighting as defenders of their communities? It is 18 years since the Good Friday Agreement. We need to get money past the gatekeepers of disadvantaged communities. We need to get the money to the residents, tried-and-tested charities and community groups, not to individuals who will misuse the resources. Bona fide groups, such as the Churches and charities, have been battling for 40 years on the ground against paramilitaries and their insidious and corrosive activities. They should be awarded funding, not pop-up community groups created to deal with this money.

We hope that, with a more detailed and thoughtful strategy for combating paramilitaries in Northern Ireland, the UK Government will then release funding. I have stated that Alliance has worked in the past to combat paramilitarism in Northern Ireland. Importantly, we have provided a number of suggestions to the Executive on working more effectively towards disbanding paramilitaries in Northern Ireland once and for all. We need smart, strategic thinking and a plan that will work. The duty of MLAs, Ministers and the Opposition is to —

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

**Mr Dickson:** — promote lawfulness and to stop rewarding to those who subscribe to lawlessness.

**Mr Beattie:** I beg to move:

*Leave out all after "believes" and insert*

*"that 22 years on from the ceasefires, and 18 years since the Good Friday Agreement, all paramilitary organisations should have ceased to exist; condemns all paramilitary activities;*

*notes the Fresh Start panel report on the 'Disbandment of Paramilitary Groups in Northern Ireland' and the lacklustre response from the Executive; regrets that the Executive have allocated only £3.8 million of a potential budget line of £10 million in this financial year; further notes the statement of the Minister of Finance that British Government funding to address paramilitary activity will not be released until the Executive agree a more detailed action plan on tackling paramilitary activity, criminality and organised crime; and calls on the First Minister and deputy First Minister and the Minister of Justice to rectify the inadequacies of the action plan by producing a substantive response to the report, which contains clear targets, timescales and resources for implementation, identifies which Departments have responsibility for specific actions, and commits to developing a protocol on state and public-sector engagement with individuals with perceived paramilitary connections."*

I move this amendment on behalf of the Ulster Unionist Party and the SDLP, and I thank Mr Dickson for proposing the motion. I am glad he sees that our amendment adds to the motion and can support it.

I am naturally an optimist: for me, the grass is greener on the other side, and the glass is always half-full rather than half-empty. Some people will say that is because I view things in a simplistic way, through primary colours, but maybe it is because of my background. I look to mission command for a series of tasks, both specified and implied, and then I look at an end result. For that end result, all you need is a time that you want it for and the resources that you need, and then you will achieve your mission.

**11.00 am**

If I am really honest, and I will be, about this action plan for dealing with paramilitarism in Northern Ireland, I am absolutely pessimistic. I really am pessimistic. I take no joy in saying that I am pessimistic. I see 43 recommendations, but I do not see any unifying factor. I do not see any momentum. I do not see any urgency. What I see is 43 mini-plans, all working in isolation. That will not get us to where we want to be. Here is the thing: in five years, when we have not achieved what we have set ourselves to achieve, it will be the Executive parties that point the finger at the Justice Minister and say that she is at fault because she is taking the lead on this issue. I thank the Justice Minister for being here to listen to the debate. I genuinely thank you.

What makes me feel pessimistic? I will tell you what makes me feel pessimistic: the funding. There was an expectation that there would be £5 million from the Executive, topped up with £5 million a year from Westminster, to help to tackle paramilitarism. That was the expectation. Yet, we intend to spend only £3.8 million of that £10 million in the first year. The Finance Minister says that it is because Westminster will not release the money because the plans are not developed enough. I have a tendency to agree with him. I look at some of the money that is being spent; for example, by the Northern Ireland Housing Executive. Three programmes on community empowerment, re-imaging communities and bonfire management are being delivered by the Housing Executive at a cost of £498,000, but it has not —

**Mr Stalford:** Will the Member give way?

**Mr Beattie:** Just a moment. It has not spoken to the Commission on Flags, Identity, Culture and Tradition, which is doing the same body of work. It is naturally not joined-up. I will give way now.

**Mr Stalford:** I am grateful to the Member for giving way. I asked Mr Dickson to give way three times, and he refused. The reason why I wanted him to give way was that — you mentioned the re-imaging of communities run by the Housing Executive — when people from the Alliance Party get on their high horse about people being in pictures with others who are accused of paramilitary associations, perhaps they would like to google some of the re-imaging projects that have operated throughout the city of Belfast.

**Mr Speaker:** The Member has an extra minute.

**Mr Beattie:** Thank you for remotely using me to ask the Alliance Party a question. I am sure that the Alliance Party will be able to answer that question in due course.

I also look at the money being spent by the PSNI on:

*"Policing with the Community – to establish a framework which will enable the operationalisation of policing with the community in those communities still adversely affected by paramilitarism."*

What on earth does that even mean? I can hardly even say it, for goodness' sake. Yet, I will stand and say that I am looking at plans for the Probation Board that include the roll-out of

the enhanced combination orders. I think that that is a good thing.

Here is where I have real concern: we are talking about ending organised crime, paramilitarism and criminality, yet we have not funded the NCA at the very start. The NCA brings a certain expertise and strategic intelligence; its *raison d'être* is dealing with organised crime, and we have not funded it. It did put in for funding but was taken out because it is a non-devolved body, so it has to apply through the PSNI to get funding. It did not get it because the Department of Justice believed that its bid was speculative. Really? Is it not working here already? Where we have £1.123 million going to the PSNI for:

*"Dedicated investigative capacity to tackle paramilitarism and organised crime",*

none of that money is going to the NCA. I find that absolutely extraordinary.

Transition is incredibly important. I understand where former paramilitaries and terrorists want to move on with their lives; they leave that behind them and they want to move on. I can understand that. If they really want to transition, they need help. Support for transition is under B1, which states:

*"The Executive should urgently adopt recommendations by the Review Panel that (a) the Fair Employment and Treatment Order 1998 (FETO) should be amended; (b) the employers' guidance should be implemented in respect of public sector recruitment and vetting; and (c) that there should be greater transparency over all these issues."*

The action plan says "urgently".

The action plan came out on 19 July, and it was not urgent enough.

Have the Executive engaged with the ex-prisoners' working group to address the issues identified relating to access to financial services, including lending, insurance, adoption and travel? What is the incentive for people to really transition if we are sitting on our hands and not giving them tools to help them? We need to help them, and we need to do it quickly. We need time frames and timescales. When will the process be completed? Will it be in five years, 10 years, 15 years or 20 years? When will we say whether or not it is working? We do not know, because we do not have any time frames. We are kicking the can down the road.

At the end of the year, we will produce a public awareness campaign costing £530,000. Awareness of what? Is it awareness that we do not want paramilitarism? I think that our country knows that. We do not yet have the structures in place to deal with it. We have seen that because we are spending only the meagre amount of £3.8 million. It is not working.

**Mr Frew:** Will the Member give way?

**Mr Beattie:** Sorry, I cannot.

I will not be thanked for this, but I am going to say something because it has to be said: Sinn Féin has an inability to distance itself from the dissidents. It can use words like, "They are traitors to Ireland", but I understand how hard it is. Some IRA members whom Sinn Féin knew have bled into the dissidents, so it has a real issue. On the other hand, we have the DUP paying off paramilitaries: £1.7 million was given to Charter NI. Guess what? Over £500,000 of that is going on management costs.

**Lord Morrow:** Will the Member give way?

**Mr Beattie:** Sorry, I cannot.

I am told, "All this is going to happen, but, actually, we're dealing with paramilitarism anyway; it's one of the things we normally deal with". Do you know what? Tell that to the 400 families who have been forced out of their homes. Tell it to the victims of punishment shootings. Explain it to the families of Michael McGibbon, John Boreland, Joe Reilly and prison officer Adrian Ismay. It is not working.

What do we need to do? I am always told that we have to give alternatives. Here is my alternative: let us fund the PSNI properly. Let us bring it up to the manning levels as set out in the Patten report. Let us re-instigate neighbourhood policing. Let us get police into our neighbourhoods again to listen to the communities, take those people off the streets, arrest when necessary and control if possible. We need to set out targets, timelines, outcomes and unifying factors.

This is not just an attack on the Executive, although it will clearly sound like it. I am trying to get people to gel and move this forward so that they look at the problems and say, "Well, that hasn't worked. Let's do something that does work". Good work is going on. I am looking at Mr Frew, who wants to ask me a question.

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

**Mr Beattie:** As the head of the Justice Committee, he is doing good work.

I support amendment No 1 and the motion.

**Mr Kelly:** I beg to move amendment No 2:

*Leave out all after "Groups" and insert*

*" and the publication of an Executive action plan; and calls on the First Minister and deputy First Minister and the Minister of Justice to ensure the full and robust implementation of all 43 recommendations in a manner that aligns resources with needs, is prompt and innovative, engages and empowers communities, builds unequivocal commitment to the rule of law, supports transition, tackles criminality and that addresses the systemic issues that perpetuate paramilitarism, criminality and organised crime."*

In the Chamber, we have a motion and two amendments. All three have things in common. After listening to Doug Beattie, I find that there are some things that I agree with and some that I do not, but I will get into that later. I am a wee bit worried that the Alliance Party seems to wring its hands because it did not get the Justice Ministry.

The fact that there is agreement is not surprising. We have the Fresh Start panel report that the Executive and other parties accept. We are all, by and large, agreed that, whether it is 18 years after the Good Friday Agreement or 22 years after the ceasefires in 1994, all paramilitary organisations should disappear and be disbanded — full stop. That is what we all agreed to. The big question is about the best way to achieve that goal in the shortest time and with the resources available.

The Executive have an action plan and a ring-fenced budget. There is a lot in one of the amendments — I think that it is the SDLP and UUP amendment — about what has been spent. However, there is a ring-fenced budget, so the money is there to deal with the problem: there is £50 million to achieve that. The motion and the Opposition amendment, each in its own way, seem simply to want to attack — even though Doug denies it — the Executive's action plan, as opposed to giving specific ideas of how to assist realistically in the implementation of its 43 recommendations.

The focus of the action plan is on tackling paramilitary activity. I want to deal with that as

well because the difference between tackling and disbandment was raised. These are illegal organisations, and, therefore, there is a law to disband them. Tackling it is how you process down the road in order to tackle paramilitary activity, criminality and organised crime throughout the North. I emphasise the word "tackling" because this will be a difficult process and wishing that such activity would disappear just will not hack it.

**Mr Allister:** Will the Member give way?

**Mr Kelly:** You can spend your own time on bombast and attacks on people instead of taking up mine.

That is why the Sinn Féin amendment:

*"calls on the First Minister and deputy First Minister and the Minister of Justice to ensure the full and robust"*

**Lord Morrow:** Will the Member give way?

**Mr Kelly:** I will not — a stand-in for Jim Allister is all I need.

*"the full and robust implementation of all 43 recommendations in a manner that aligns resources with needs, is prompt and innovative, engages and empowers communities, builds unequivocal commitment to the rule of law, supports transition, tackles criminality and that addresses the systemic issues that perpetuate paramilitarism, criminality and organised crime."*

That is joined-up thinking. That is outcomes-based. That is co-design involving partnerships, including the community. Initially, what is required is the development of an implementation plan that designates the imperative of an adequately resourced community response alongside a robust criminal justice response for tackling paramilitaries, paramilitary activity and organised criminality in all areas. The criminal justice response could help to create the space and lay the groundwork for community initiatives to kick in. This will not be blamed on the Justice Minister only; we are very, very aware that this involves many other aspects of Departments and the community itself.

Communities and communal initiatives need to be innovative and adequately resourced, with community input an integral aspect of any genuine co-design approach to formulating the response. Communities must be empowered to

build and develop levels of confidence in our new policing dispensation, our criminal justice system and our peace and political processes while helping to deliver an unequivocal commitment to the rule of law. Communities should not be told that they must do it; they should be empowered to do it. Communities can also assist in the process of isolating and marginalising paramilitary and criminal gangs operating from within communities but engaging in anti-community activities such as punishment beatings, shootings, extortion, robberies, drug dealing and worse. All these activities undermine the morale, cohesion and quality of life of working-class communities who already suffer from the ravages of socio-economic deprivation, generational educational underachievement and unemployment. Such issues create the conditions that feed, develop and sustain paramilitarism and criminality.

Any meaningful attempt to tackle such activities needs to focus on the causes of the problem, not the symptoms. The vast majority of people in working-class areas — in fact, in any area or class — whether they are nationalist, unionist or other, want to be rid of the scourge of paramilitarism and organised crime, but they cannot do it alone. We must empower communities to engage with the young people who constitute one of the most vulnerable sections of society in relation to such activities. The criminal gangs clearly target our young people with the lure of the easy money that accrues from gang activity, and that is juxtaposed with life on the margins where people have low self-esteem, are devoid of hope and have been robbed of developing their full potential in life.

We must attempt to align initiatives with other political interventions to ensure a sustained and concentrated onslaught against deprivation and youth marginalisation. This strategy, in coordination with other political interventions, must make a difference in the areas where paramilitarism and criminality are most prevalent. Qualitative change is essential for these communities. A key aspect of the strategy to tackle paramilitarism and crime is the requirement for the full integration of former prisoners of the recent conflict. I am glad that Doug Beattie raised this issue.

That is those who now play a positive and productive role in society, not those who do not. You need to make the difference between people who are having a positive role, whatever their history, and those who are not. The blanket approach to ex-prisoners is absolutely wrong. It does not work and is detrimental to moving the process forward. Many have played

a key role in consolidating our peace and political processes. I can already hear the moans and groans of the middle-class politicians with tunnel vision; those who do not experience the daily effect on their lives. In nationalist and republican working-class areas, many ex-political prisoners are leaders of great positivity.

**11.15 am**

Doug Beattie raised this, and, although I agree with things that he has said, he is absolutely wrong on this. You cannot just say, as an opinion, that Sinn Féin has not distanced itself from dissidents. I presume you are on social media — I am just speaking personally, never mind the rest of Sinn Féin. All you have to do is go on social media to see the attitude of dissidents to me — I am an ex-prisoner; I am not naive; I know what the craic is — and to realise the distance. We are hated. Dissidents hate Sinn Féin more than they hate the British that they claim to be opposed to. When you make a statement like that, you need to have a basis on which to say it. We have said it time and time again, and I will say it again now: I condemn them, absolutely and unequivocally. When you come in and say things like that, you need to have some sort of evidence behind it.

Many ex-prisoners continue to encounter barriers to full participation in society, for example, identifying obstacles to employment, financial services, adoption, international travel, and other issues. Those obstacles also impinge upon the freedoms and rights of prisoners' family members. So, it is not just the ex-prisoners; their families are also attacked through this. They have no court convictions, but they are discriminated against solely on the basis of their relationship with a former prisoner.

Again, I mention Doug Beattie — I thank him for this — who raised the issue of the protocols that were put in place. They were very good protocols, and I agree entirely with you that they should be re-enacted, because they worked and were seen to work and be helpful in transition and reintegration.

Such obstacles should be removed if we are to facilitate the reintegration of former prisoners and their families who fully support our peace and political processes. Equal citizenship should extend to every citizen.

This brings me to the final clause in both the motion and the Opposition's amendment, and it relates to one of the recommendations of the report about developing protocols. It states:

*"a protocol on state and public sector engagement with individuals with perceived paramilitary connections."*

I find the word "perceived" to be crucial in this. What does it mean, and who will be the arbiter of it? Surely not the media or politicians, and I say that as a politician. This could become a charter for discrimination, and the dogs in the street have no legal standing in the matter. Perception can become reality, but that does not mean that perception is always reality. We need to take a view of individuals, of people involved — whatever their history — and how they will be able to assist in what we are trying to do with the panel report through this motion. We all know and agree on where we want to get to. There is a plan —

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

**Mr Kelly:** — and we should all be working together on that plan to achieve that goal. I commend the amendment to the House.

**Mr Frew:** I welcome the debate. It is always good to make sure that we are trying our best to relieve our community of paramilitary activity. That is something that we have been fighting for, tooth and nail, since our inception as a party, all those years ago. It is a complex issue, which will not be resolved by a simplistic motion from an opposition party, rounded up with the other opposition parties, that says, "You are not doing enough; you need to do more, and we are not happy". Well, none of us should be happy that there are paramilitaries on our streets, that there are gangsters on our streets, and that there is organised crime on our streets.

The motion speaks true: it is 18 years after the Good Friday Agreement. Amendment No 1 speaks true: it is 22 years on from the ceasefires. I know from growing up that more people were recruited into loyalist paramilitary organisations after the ceasefires than at any period during the Troubles. What does that say about the parties that are now criticising the Executive for their action plan that was launched in July? If you want to talk about failure, that was failure.

Who was in charge during the ceasefires? Who was in charge when paramilitary prisoners walked out of prison with their fists clenched, with their hordes cheering and cachinnating. Who was in charge then? Have we not been picking up the crap and the pieces since? Have we not? We will continue to do that work,

because it is worthwhile. We see the pain on our working-class streets. It is OK being in your ivory tower. It is all well and good to say, "We want this motion supported and paramilitarism to end". Why did it not end with the ceasefires? Why did it not end when the Good Friday Agreement was signed? Simply because the issue is more complex than that.

Of course there needs to be a justice element. In fact, I would go so far as to say that it was the intelligence services that brought about the ceasefires. It was not political statements or political agreements; rather, it was the intelligence services strangling the terrorist organisations to a point at which they could not operate. There will always be a justice solution to this.

**Lord Morrow:** I thank the Member for giving way. This is a point that I tried to make earlier, but no one was in the mood to give way.

When, for instance, the SDLP and Sinn Féin would demand that children's play parks be named after terrorists, does that help the situation? What sort of message does that send out to the law-abiding community?

**Mr Speaker:** The Member has an extra minute.

**Mr Frew:** Thank you, Mr Speaker. That is an absolutely valid point, Lord Morrow, and I thank you for making it. No one here can turn around and say that he or she is clean when it comes to this sort of thing. Look at the SDLP leader, the SDLP party and what they have done since the ceasefires and the Good Friday Agreement; they; they should be taking a good look at themselves.

I do not blame just the UUP for letting the prisoners out —

**Mr Stalford:** I appreciate the Member giving way. I see that Mr McCrossan thinks that this is terribly funny. I wonder whether he was laughing as much when his party was campaigning for the release from prison of dissidents.

**Mr Frew:** I noted that, when Mr McCrossan was speaking yesterday in the House, his language was violent. He should have taken interventions, but he ran away from doing so. He should be ashamed of his language yesterday, as should his leader, because his language was also violent at times. He was talking about kicking doors in on Downing Street. What sort of language is that?

There is a lot that I agreed with in Doug Beattie's contribution, but how can you say that we should spend £10 million this year urgently but in the next sentence say that the apparatus and arrangements are not in place to spend that money? Why would you throw money away foolishly without knowing whether the checks and balances are in place to achieve what you are trying to achieve? That is just nonsense. It is silly.

I am running out of time, but I will say that Doug's language around Charter NI was irresponsible. It is not a terrorist organisation. It is a community group made up of civil servants, community activists, trade unionists and a Church minister. Where would we be if those people were not in Charter NI?

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

**Mr Frew:** We need to make sure that we encourage such groups. We need to make sure that they do the work on the ground and that we are behind them, working with them, to support them. I would like "big house" unionism to get out of its ivory tower and see the work that is being done on the ground.

**Mr Speaker:** The Members time is up.

**Mr McPhillips:** I welcome the opportunity to participate in the debate today, and I support the motion. The SDLP has come in for a great response from the DUP Benches, so I will start by making it clear that those involved in any kind of paramilitary activity serve no purpose and have no place in a modern Northern Ireland, be they republican or loyalist. Paramilitary groups were not justified in the past and certainly are not in the present or the future.

**Mr Frew:** Will the Member give way?

**Mr McPhillips:** It is a damning indictment of this institution that, 18 years after peace was delivered through great men like John Hume and others, paramilitary groups still have such influence in our communities. We have been very clear that we in the Assembly cannot sit back and allow paramilitary groups to use the tactics of fear and intimidation to extort and control our communities as they line their own pockets. Those same groups have terrorised communities across the North. They have held them back, with no respect for the rule of law, through arbitrary killings and so-called punishment beatings. In fact, studies from 'The Detail' show that, from 2006 to 2015, 22 people

lost their life to paramilitaries; there were over 1,000 shootings and bombings and 787 punishment attacks; and nearly 4,000 people were forced from their home by paramilitary organisations. Last year, we had the murder of two high-profile republicans that threatened to bring down these very institutions. I think that it is fair to say that paramilitary organisations are very much alive and well in the North of this island. Last week, we saw a 'Belfast Telegraph' report that, last year alone, 433 people sought emergency housing due to paramilitary intimidation. In 2016, how can such action be tolerated, never mind accepted, and how can paramilitaries be allowed to get away with such criminal acts?

On the monitoring arrangements, I welcome the three-person panel's report on paramilitary activity in the North and the proposals brought forward. As the report makes clear, tackling paramilitaries requires a concerted effort by the Government, but, instead of taking positive action, they have been found wanting on delivery.

**Mr Frew:** Will the Member give way? He will get an extra minute.

**Mr McPhillips:** OK. I will give way.

**Mr Frew:** Thank you very much. I commend the man's bravery; I wish that some of his colleagues would take the same option. After everything the Member has said, why on Earth would he support the naming of a play park after a paramilitary?

**Mr McPhillips:** First and foremost, I am not going to stand here as a member of the SDLP and take lectures from the DUP. I am a member of the nationalist community and have lived through the history of the Troubles. I remind the DUP of the Third Force and organisations like that. You have had truck with paramilitaries for years, so do not lecture the SDLP.

As the report makes clear, tackling paramilitaries, as I said, requires a concerted effort by the Government, but they have been found wanting on delivery. They have failed to produce a detailed plan that was meant to deal with one of our most chronic and embedded issues. It is inadequate and badly lacking. How do the Executive intend to promote the North of Ireland as a new, vibrant society when they fail to deliver on a robust plan, which has resulted in the Westminster Government withholding funding? The failure to act holds many communities back, as paramilitaries'

criminality deters investment, jobs and, importantly, reconciliation. Their activity only strengthens a deeply entrenched mentality of "us and them" and has absolutely no purpose but to hold back people and communities.

These communities still have the dark shadow of paramilitaries hanging over them, due to the inaction of this institution and the current Executive. Paramilitary groups feed off the deprivation that further compounds the situation that many young people find themselves in, especially in poorer communities. Paramilitaries limit educational outcomes, quality of life and social mobility among our young people, who are impressionable and are attracted into a life of thuggery and crime, rather than staying in education. That is a huge issue and concern, and action needs to be taken urgently to give those young people the chance to change their lives for the better and allow them to contribute to society. This cannot be acceptable and cannot be allowed to continue.

**11.30 am**

The supposed Fresh Start Agreement was meant to be the final straw for paramilitaries. We have yet to see that work out. We often hear from the Chief Constable and others that the PSNI is not equipped to tackle paramilitary organisations in the North, so I ask the Minister this: what additional funding have the PSNI and the NCA received since the Fresh Start?

**Mr Humphrey:** Will the Member give way?

**Mr McPhillips:** We often hear that we need a multidisciplinary approach to paramilitaries and that —

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

**Mr McPhillips:** — we need to move communities on, through education and support. I completely agree with that. It is also high time that some political parties dealt with their past and that the Assembly dealt with the issues of the disappeared and the abused.

**Mrs Cameron:** I welcome the opportunity to speak on the matter.

By and large, paramilitary activity is something that has all but disappeared from our television screens and newsfeeds. Whilst we have not heard so much in the way of shootings, bombings and assaults in the last number of years, which is, of course, to be welcomed, that

does not mean that the paramilitaries have gone away.

The behaviour of paramilitaries has become much more sinister and insidious in nature. Many communities live with an undercurrent of fear exerted by members of paramilitary organisations who seek to exercise control over areas and those living there. My constituency office regularly deals with complaints about the appearance of murals, flags and sectarian graffiti from both sides. In most cases, those who contact me know who is responsible yet are too frightened to report it for fear of repercussions, and, in many instances, they do not even want to reveal their identity to me when they make the complaint. That level of fear in our communities has no place in Northern Ireland, and I welcome any steps that we can take to alleviate it. It is fairly damning that, rather than the regular reprisal attacks of the past, the majority of paramilitary assaults now take place against members of their own communities. Be it through intimidation, punishment beating or kneecappings, the fear that is exerted over people is unacceptable.

The wider issue is, of course, the involvement of former paramilitaries in organised crime. Cigarette and fuel smuggling, counterfeit goods, drug dealing, racketeering and prostitution have all thrived in Northern Ireland in recent times under the guise of paramilitary activity.

**Mr Humphrey:** I thank the Member for giving way. I listened intently to the SDLP Member for Fermanagh and South Tyrone and agreed with much of what he said. Sadly, he would not take an intervention. Would the Member agree with me that, given what the Member has said, it is all the more bizarre that, for a long time, the SDLP refused to support the introduction of the National Crime Agency to Northern Ireland to help the PSNI tackle crime in Northern Ireland?

**Mr Speaker:** The Member has an extra minute.

**Mrs Cameron:** Thank you, Mr Speaker. I also thank the Member for his intervention and agree wholeheartedly with his comments.

Paramilitary activities are certainly not unique to Northern Ireland, but our legacy has perhaps afforded a degree of protection to those involved. I sincerely hope that a significant portion of the Fresh Start funding is allocated to deal with that area. Close working between the NCA, HMRC and the NIEA will help to make organised crime activities a lot less appealing. Alongside a more community-centred approach to policing, we should work towards a societal

change, where reporting organised crime is not something to be apprehensive of.

'The Fresh Start Panel Report on the Disbandment of Paramilitary Groups' identified the worrying correlation between educational underachievement in young people and the increasing likelihood of joining a paramilitary reorganisation. That perfectly highlights the need for a holistic approach to ending paramilitarism. Unfortunately, there is no easy fix for the problem, and it will require input and work from every Department. In the case of educational underachievement, there are obvious factors for the Department of Education to look at, but there are also aspects for the Department for Infrastructure and the Department for the Economy to look at in the areas of addressing community engagement and providing appropriate further education and training opportunities amongst other things.

The Programme for Government sets out a variety of actions that will seek to move us towards a more inclusive society and one in which paramilitarism will naturally weaken and decline. If we combine that with the ongoing T:BUC programme, we are in a strong position to build a Northern Ireland free from the shadow of paramilitarism.

The role of women in ending paramilitarism was another key aspect identified in the report. Women have been universally acknowledged for their positive contribution to peace building and post-conflict reconstruction, and we have a further opportunity for community engagement by supporting women to help develop networks to assist in the transition from paramilitarism.

I realise that this is only the beginning of a journey and that there will be a tremendous amount of cross-departmental work ahead before we can see an end to these activities. Let us face it: if the solution to the issue were simple, it would have happened years ago.

This requires a generational change that is unlikely to happen in this mandate. That said, the Fresh Start report gives us the skeleton of change and a set of recommendations that will help us to move forward to a Northern Ireland free from paramilitary influence and the organised crime associated with it. As we move forward with the recommendations, I look forward to the meat being added to the bones and seeing a strategic, sensible plan to help our communities to grow and to put our past behind us.

**Mr McGuigan:** Unsurprisingly, I intend to speak in support of my party's amendment. I begin by



saying that, 18 years on from the Good Friday Agreement, there are no reasons why any person, young or old, should end up in jail, take a life or lose their own life on this island for political purposes. However, there is every reason for people, young or old, with a political outlook to engage in politics, in activism and in their communities to help those communities and us all to create a better place for everyone to live in. To that end, the Fresh Start panel recommendations covering the four key areas — promoting lawfulness, support for transition, tackling criminality and addressing systemic issues — and the 43 action points that flowed from them are important and key areas of work.

The Government have a responsibility to support and protect our community. That is why the Executive agreed with the work of the panel and produced an action plan entitled 'Tackling Paramilitary Activity, Criminality and Organised Crime' that allows for greater coordination across Departments, the PSNI, the justice system and civic society to achieve those aims. It is why the Executive have pledged substantial funding. That, in my view, is not a lacklustre response.

Although I do not have time to go through all the 43 key action points, I want to highlight a few issues. As already highlighted by Doug Beattie and my party colleague, the report recognised the difficulties faced by former prisoners and identified and made recommendations to address those problems. Such obstacles must be removed if we are to facilitate the reintegration of former prisoners and their families who fully support peace and the political process. On that note, I also commend the positive contribution to building peace by many ex-prisoners, and I endorse the comments made by the deputy First Minister in the Chamber on 17 October on the same subject:

*"On the republican side, there are many ex-prisoners who have been convicted of many things and all of them make a powerful and positive contribution to developing communities and their capacity."*

**Mr Stalford:** I appreciate the Member giving way. I have a very brief point. The Member talked about ex-prisoners who support peace and moving things forward. How hypocritical, therefore, does the Member think it is that one of the Opposition parties, which lambastes the Executive for lack of action in this area, also campaigned for the release of Gerry McGeough from prison, a man who tried to murder a DUP councillor?

**Mr Speaker:** The Member has an extra minute.

**Mr McGuigan:** The comment that I am reading is actually in response to a question that you, Christopher, asked the deputy First Minister. I will finish that comment:

*"Just as important, they work on a cross-community basis with many individuals who, previously, would have been considered as enemies." [Official Report (Hansard), 17 October 2016, p26, col 2].*

The point of this key action in the plan is very important. This aspect will help former prisoners and those who demonstrate that they want to make a transition, so that they will not be marginalised if they sign up to peaceful and democratic means to effect political change.

To end criminality, we need communities to support and trust the PSNI, and we need the same support for and trust in the criminal justice system. On top of that, I welcome the recommendation in the plan that the Executive will put a dedicated fund for restorative justice initiatives in place and will provide enhanced resources over longer periods to deliver positive outcomes for individuals and communities. I also welcome that the Department of Justice will carry out a feasibility study to identify best options for a new centre for restorative excellence.

Common throughout the report and plan is the importance placed on working with and in communities to achieve transformation. As has been stated by everybody, community input is vital, and resourcing community initiatives that help to tackle economic deprivation, unemployment, educational underachievement, lack of social cohesion and other things that create the conditions in which young vulnerable adults can be lured into thinking that gang activities are an easy option are vital as well. The plan identifies not only that but the need to work with education and statutory services to focus on the vulnerability of some young people who join groups and engage in criminal activity.

Given that four debates on the past will take place here over two days, I also note and agree, as stated in recommendation D3, that there remains a need to resolve the outstanding issues relating to the past. That is a key recommendation to help everyone to move forward, and I hope that it is resolved satisfactorily. I take the opportunity to welcome the Ballymurphy families who are here today, and I wish to show solidarity and support to them and their campaign.

I agree with all the contributors today who pointed out the seriousness of the issue. I do not, however, agree with the negativity attached to the motion or shown in the Chamber. It is clear that the Executive, in words and actions, recognise the importance of the issue and have a commitment, with actions and accountability to implement it. A cross-departmental programme board has been established to drive forward commitments made in the Fresh Start Agreement and delivery of the action plan. I note the deputy First Minister's comments here on 17 October on the Independent Reporting Commission:

*"The British and Irish Governments signed the treaty required to provide for the body on Tuesday 13 September, and we understand that supporting regulations have been laid before the British [and Irish] Parliament[s]".*  
— [Official Report (Hansard), 17 October 2016, p27, col 1].

He said that proposals would be brought forward —

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

**Mr McGuigan:** — to put the commission in place before the end of the year. I support our amendment to the motion.

**Mr Douglas:** I rise not only as a member of the Justice Committee but as a representative for East Belfast, where we have had difficulties for many years since the ceasefires 22 years ago. There is no doubt — this is coming through clearly — that the vast majority of our society wants rid of the scourge of paramilitary groups of whatever persuasion. Communities want them to go away, the police want them to go away, and the Assembly wants them to go away. Many paramilitary members who have done their time in jail also want them to go away; they want to live in a normal society. I am not talking about every person who has been involved in paramilitary activity or every person who is a member of a paramilitary organisation.

I agree with Doug Beattie when he talks about the notion of transition and helping those who want to go away and get off the stage. I say today very clearly that some of the people I know in East Belfast are on the right road and want to get rid of paramilitary activity in their communities. However, the simplistic notions that government strategies alone will solve the issue or that £5 million is spent in this financial year or the next are clearly fanciful. Huge

amounts of European Peace moneys were invested in peace building for prisoners and their families and for groups that said in those days that they wanted to go away. Twenty-two years on from the ceasefires, however, we still have paramilitaries on our streets. As my colleague Pamela Cameron said, if the solution to the issue was so simple, it would have happened years ago.

I go back to the notion of transition. At a recent Justice Committee meeting, officials were very helpful, and we went through a range of issues on the transition of paramilitary groups and the amount of money that was available and the amount of money that we had not applied for. At that meeting, we agreed that the officials would report back to us regularly. We want to get the process under way as quickly as possible, but it will not happen overnight. As many people have said, it is a complex issue, and, as we all know, there are paramilitary groups within paramilitary groups. The plan needs to be carefully thought through, with actions and outcomes clearly mapped. It will not go away by throwing money at it. Any funds used in the process need to be carefully considered. Money has already begun to be spent on dealing with the issue both from the perspective of encouraging those involved to move away from such activity and in additional and specific funding to assist the criminal justice agencies.

I agree with Doug Beattie that we need to make sure that we get the right investment into the criminal justice agencies that need help and support to get rid of this major situation.

#### 11.45 am

Yesterday, we had a debate about victims and survivors, and we need to keep them at the forefront of any debate because the last thing that we want to do is to be insensitive to the people who have suffered the most by bringing them back to the past as a result of the things that we say in the Chamber or because of our actions. What can we do to support communities and efforts to bring paramilitary activity and criminality to an end? There are a number of good examples in east Belfast. You will be aware of a whole range of initiatives by the Inner East Forum, community activists, churches, the PSNI and others to deal with the difficulties at interfaces and with flags and emblems, bonfires and other issues. Those are the sorts of organisations that we need to fund so that the money does not go directly to paramilitaries.

The majority of politicians, whether those at Westminster who belong to Northern Ireland, councillors or MLAs, know the paramilitary leaders in our constituencies.

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

**Mr Douglas:** The question is this: what are we doing to encourage those people to turn away from criminality? What are we doing to encourage them to get involved in the Fresh Start Agreement? Finally, what are we doing to offer solutions to the Justice Committee and the Justice Minister?

**Mr Speaker:** The Member's time is up.

**Mr Beggs:** I support the motion and the amendment tabled by the Ulster Unionist Party and the SDLP. I am glad that the proposer of the Alliance Party motion has bought into that amendment.

Eighteen years after the Belfast Agreement and the end of the conflict, why do we have any paramilitaries? Why are there any still around? That is a fundamental question. I thank NICVA, which, in partnership with The Detail, has used the open data that is becoming available — we need more open data from government — to highlight the scale of paramilitary activity over the past number of years in its report on paramilitary activity in Northern Ireland, which Richie McPhillips mentioned earlier. Some 80 convictions have been secured; there have been 22 murders and almost 4,000 reports of people being forced from their home; and 8,500 arms and 495 kg of explosives have been seized. They must all go away or be forced to go away. Time is marching on, and I believe that it is time for additional resources. My colleague Doug Beattie mentioned his disappointment that, of a potential £10 million, only £3.8 million has been drawn down. Surely, more could have been done, given the time that has passed and the time that there has already been to plan how to tackle the problem.

The PSNI believes that some 33 organised criminal gangs with direct links to paramilitaries operate currently. Are they paramilitaries or are they organised crime gangs? I am afraid that the distinction is not seen by anyone who faces their wrath. There have consistently been about 50 dissident republicans and about 50 loyalists in prison over the past number of years. Why are there any? There should not be any paramilitaries. Clearly, we need additional specialist resources to address —

**Mr Humphrey:** Will the Member give way?

**Mr Beggs:** Yes, I will.

**Mr Humphrey:** The Member has posed a number of questions that are absolutely valid. I mean this in all sincerity because, like him, I was a member of the Ulster Unionist Party in 1998 when the Belfast Agreement was agreed, and, like him, I voted against it in the party and in the country: all these years later, can the Member, when he is posing those questions, tell us his solutions? Why does he think that we still have this problem?

**Mr Speaker:** The Member will have an extra minute.

**Mr Beggs:** I will come to that later in my speech, when I will suggest some things.

One of the suggestions is that we need to draw in additional specialist resources. Additional community policing, with the support of the PSNI and the community, has been mentioned as a way to make sure that the community is policed. It is important that we draw in specialist support from the National Crime Agency, which has experts. Often, the agency has not looked at crime gangs because they are just below the threshold at which it would become involved. Why is some of the money not being used to help the police to draw in that specialist expertise to follow the money, do detailed surveillance and identify those who are involved in organised crime? That is my disappointment.

There is a very evident difficulty with a rise in paramilitary activity in my constituency. Over the summer, we had the public massing of a mob in a dispute between sections of the breakaway south-east Antrim UDA. In 2014, there was a 70-strong mob with hammers, swords and golf sticks out in public in daylight showing a very public face of paramilitarism, which is normally underground. They are challenging the law and the justice system, and we, as a community, need to respond.

Like Sammy Douglas, I have been contacted by many members of paramilitary groups who want to leave. However, regrettably, once they join, they are not allowed to leave and are coerced. In my constituency, those in the south-east Antrim UDA have already got the message that they must turn up at an event or get a beating. We talk about gangmasters, and there is a degree of that going on here. Those at the top who have the power and money do not want to give up that money and power. We,

as a community, must draw on all the public resources to follow the money and undermine those who are at the top and controlling people often against their wishes, just like the Mafia does.

There are still the paramilitary murals. Good work has been done in the Re-imaging Communities programme, but, sadly, additional paramilitary murals have been erected in recent times. There is the one in Greenisland. There is also a very public one in the Craigy Hill estate, the south-east Antrim provost gunman, which has been a blight on that community for several years. We, as a community and a Government, must do something to address that. There is very weak community infrastructure in many of the disadvantaged communities where paramilitaries operate. There needs to be community planning in a manner that draws in all the public agencies —

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

**Mr Beggs:** — the Churches and members of the local community to address the needs of those communities, so that no one group controls any community, we draw everyone together to address the needs of the community, and we remove the paramilitaries through policing and the creation a positive alternative.

**Mr Speaker:** The Member's time is up.

**Dr Farry:** It is worth noting that this is the first proper opportunity that the Assembly has had to discuss the panel report and the Executive's so-called action plan since their publication in the spring and summer of this year. That the Executive have failed to provide their own opportunity in that regard during that period is, in itself, a damning indictment of the problems around accountability.

This is, of course, a serious issue that continues to afflict our society. It is important that we bear in mind the context in which we are discussing this matter. Eighteen years on from the Good Friday Agreement and 22 years on from the ceasefires, too many communities in Northern Ireland continue to be under the grip of paramilitaries. This has a corrosive effect on our society as a whole and, in particular, the individuals who are most directly affected by it. It is a corruption of the rule of law. In practice, the rule of law does not entirely hold in certain areas, and we do not have a normal society. This impacts on people's individual human rights and their

opportunity to develop to their full potential and play a full role within society, as they continue to exist under the boot of illegitimate social control that exists in many areas. It also impacts on our economy. The very clear and visible signs that parts of Northern Ireland are de facto no-go areas are a deterrent to investment and the improvement of people's economic opportunities.

The more immediate context, of course, is last summer's political crisis. At that time, there was a lot of indignation about the effect of paramilitaries on our society and people saying that something must be done. Therefore, we had the Fresh Start Agreement and these commitments. If you want to take a very cynical view, you could view what has been produced so far as a box-ticking exercise, the outworkings of the necessary steps that had to be taken to keep the political show on the road rather than a genuine commitment to a clear and new way forward in addressing these issues.

I hope to be proven wrong in that regard, but, from what I have seen, that is very much a view that people could easily come to.

What we have before us is a very weak action plan. The panel report was robust, but the action plan is weak. It is important that we recall why the action plan is weak. It does not have a proper strategic analysis; it does not have proper targets; it does not have a proper implementation plan; and it does not indicate the resources that will come forward. It is very much a tick-box exercise, as my colleague Stewart Dickson stated, where, in essence, we try to shoehorn the different recommendations in alongside the existing policies and practices of Departments rather than showing evidence of a rethink and of applying some of the advice from the panel and seeing how we can do things differently. We are simply saying, "We are covered on that recommendation. We are fine, and we don't need to do something else".

There is also the notion that the timescale was too rushed and that this was the best effort we could make in the available time. Who set the timescale? It was the DUP and Sinn Féin in Fresh Start. They set the end of June as the deadline for the action plan. There is also the notion that we are being somehow critical of the Executive because they cannot spend all the money during this year, and we are told that it is no good throwing money at a problem and that we have to ensure that money is spent wisely. I agree with that, but the fundamental issue that they have to pick up on is that the UK Government are saying that the action plan

itself is not good enough. That is a UK Government, who, many would argue, have, at times, had an overly pragmatic approach to dealing with paramilitaries because they wanted to keep the political show on the road. When the UK Treasury says that there is a problem, we need to take heed keenly. It is also worth bearing in mind that 'A Fresh Start' refers to other actions that need to take place to get a robust plan to tackle division in our community. That is directly linked to the strategy on dealing with paramilitaries, and there is no evidence of it being taken forward.

I want to focus my closing remarks on the need for the protocol. The protocol is a fundamental recommendation in the panel report. We see evidence of why it is needed when Ministers engage with current paramilitaries — I say "current paramilitaries" and not "people with a past". When you are pictured with current paramilitaries and accept and justify that, you undermine the Government's effort to tackle paramilitarism. It sends out a signal that other voices in communities do not matter and that those people are the gatekeepers and the ones that you cherish. There is no point in saying that Charter NI won funding fair and square —

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

**Dr Farry:** — the DUP has actively made efforts to fund Charter NI for many years, never mind about level playing fields.

**Ms Sugden (The Minister of Justice):**

Northern Ireland has come a long way since the signing of the Good Friday Agreement 18 years ago. A different and better Northern Ireland with a strong Executive, a functioning Assembly, a new Opposition and commitments to exclusively peaceful and democratic means is a reality. That the Executive were so ready and willing to accept all the recommendations made by the three-person panel on tackling paramilitarism is a clear indication of how far we have come. That we needed a three-person panel to investigate ways of tackling the scourge of paramilitaries in our communities nearly two decades after the Good Friday Agreement shows how far we still have to go.

Northern Ireland, thankfully, is a very different place today, and whatever causes people once thought they were fighting for or whatever threats they thought they were defending against are no more. There is no role for self-serving paramilitaries; they have no part to play in our communities. Let us call them what they are: criminals. They are criminal gangs who

inflict fear and harm on the communities that they claim to protect and serve. They peddle drugs to our young people, launder fuel, sell counterfeit goods and engage in all forms of criminal activity. The cause they promote is personal gain, lining their own pockets at the expense of the community. I want to see an end to that. I want to see communities that are free from fear and coercive control. I want to see communities where people can live in peace and where our young people can lead fulfilled lives, secure good employment and not be drawn into criminality.

**12.00 noon**

**Mr Allister:** Will the Minister give way?

**Ms Sugden:** Not just yet.

I want to see communities where people respect the law and each other. I want to see confident and capable communities in which everyone can play their part. I want to see an end to paramilitary-style assaults because they are crimes affecting real people who are often left with life-changing injuries, sometimes as payment for drug debts. They are real people, not just crime statistics. Regrettably, another instance of that nature occurred at the weekend. I want to see communities make that transition, and I want to see individuals make that transition. To them, I say this: "You cannot be a community leader and engage in illegal activities, because you are a criminal, and your community does not want you".

Unfortunately, Northern Ireland is no different from anywhere else in the world. Organised crime, drug dealing, people trafficking and all other types of crime exist everywhere. However, we have the added difficulty of dealing with the recent past and the challenges that that brings. The paramilitary groups that still exist include elements whose path of transition has been crime, but others see their role in post-conflict society as a positive one, helping to promote their culture and identity whilst building communities in a positive way.

In tackling paramilitarism and organised crime, we take on some of the most difficult challenges that we face. We received the panel report at the end of May, accepted its recommendations and moved quickly to publish an action plan agreed by all stakeholders with a role in delivering the recommendations. As I said at the time, it would have been irresponsible for us to claim that the action plan was anything more than a high-level direction of travel. It was acceptance, and that is a huge leap forward.

Our work did not end with the action plan in July; it only began then, and it continues. Rushing to spend money as a superficial sign that we are taking action is not the way we are prepared to go, and that is why it must be done right this time. There is no overnight solution to the problem.

**Mr Ford:** Will the Minister give way?

**Ms Sugden:** Not just yet.

Some of the recommendations in the report will be difficult to achieve and even more difficult to embed and sustain. Some will take a long time, because tackling paramilitarism and organised crime requires the Executive, the Assembly, local government, law enforcement, statutory agencies, voluntary organisations, charities and the community to work together over a sustained period to make it happen. We need to achieve the Programme for Government outcomes, where the ultimate measure that matters is the impact on people's lives and create the society that we envisage, where there are jobs and education, good housing, better health and improved prosperity for all. We need to create the conditions where there is no space in our communities for these criminals to act, where lawfulness is respected. It is by joining the action plan on tackling paramilitarism with the Programme for Government and the many other initiatives that exist that we will defeat crime and create the sustainable, stronger and safer communities that we all want. It is difficult, laborious work that requires dedication and a relentless focus on achieving outcomes. The problems that we need to tackle are deep-rooted and are associated with decades of conflict, poverty, and lack of opportunity and aspiration in those communities, but it is only by tackling those problems that we can succeed in tackling crime.

Let me be crystal clear: this is not a tick-box exercise or a shopping list of recommendations with a price tag against each one. This is not about what we will do to communities; it is about enabling, facilitating and nurturing communities to do it for themselves and about delivering long-term societal change. It takes time to build the relationships to make that happen. It will require new approaches, innovative ideas and some risk-taking and a leap of faith for those who have seen and heard it all before, so that they understand that this time it is different.

We need a strong and clear approach on paramilitary activity and organised crime, but, unless we understand the barriers to change and take the opportunity offered by the panel's

report, we will not ensure that that change is delivered. We need to offer communities a different vision for the future and support the transition to it. As a society, we can say that we all want individuals to play a role in the transition, fulfil their potential and make a contribution. Fresh Start gives our communities a choice. It is the opportunity to choose a path that will transform their community and, ultimately, the lives of each and every individual in it.

There will, however, be those who choose to remain engaged in criminality, and they will be subject to law enforcement. Our law enforcement organisations need and deserve our support. Asking people to report illegal activities to the PSNI is perfectly reasonable, and supporting law enforcement when they need action is the right thing to do. The role of law enforcement is to tackle blatant criminality and to demonstrate to communities that those activities are not to be tolerated.

I was really pleased that the motion was tabled today. It gives us as a Government a chance to send a positive message to our communities about the need for change, the support we will give to communities and the lines in the sand on criminality.

I appreciate that Members are keen for details and that, rightly, they want to know what the Executive are doing. We will, of course, provide more details and updates on progress as it happens, but please appreciate that we are not taking a simplistic approach and support us in this work that is vital for all our communities. Premature attacks serve only to undermine public confidence in what we are doing, and that serves no purpose.

Let me turn to some of the practical details. As Members know, there is £50 million of funding over five years to dedicate to this work, half of which was put up by the Northern Ireland Executive and the other half by the United Kingdom Government. I hope, with what I just outlined, that Members will understand why, in July, when we completed a high-level action plan, that we did not rush to spend money. I make no apology for that. We will need to spend every penny of that money, and we are committed to spending it on the right things at the right time.

Spend will be based on need, and, in a programme of this nature, that need does not break down into five annual neat £5 million parcels. We did not, therefore, draw down money from the Treasury, and, as we still have to complete a lot of early work, we will not do so

this year. I spoke with the Secretary of State, James Brokenshire, recently and will do so again this week. I am working with the Secretary of State and the Northern Ireland Office, and we are all dedicated and committed to achieving the same aims. The Northern Ireland Office has a seat on the programme board and is fully engaged with what we are doing.

When the action plan was published in July, there was work that we could start straight away; we did that, spending just under £4 million. Money has been allocated to purchase equipment for Forensic Science Northern Ireland to help to reduce delays in the justice system. The equipment is on-site and undergoing tests and calibrations, and it will be operational before the end of next year. The first part of the public awareness campaign envisaged in section A, which aims to raise awareness about organised crime and explain the links to paramilitaries, will begin in December. We are working with our justice system partners on delivering initiatives to speed up justice, including the next phase of the Ards indictable cases project, which will go live in May, and implementing committal reform around the end of 2017.

We have established the joint agency task force, and Minister Fitzgerald and I have regular discussions via the IGA mechanism. We have also started work on developing concerted law enforcement activity, with just over £1 million being made available to the PSNI this year for work to tackle organised criminality. We are developing a programme for women in our communities, which is being taken forward through a process of co-design with the aim of starting the work in April. We are supporting the Probation Board with funding for two successful pilots aimed at reducing reoffending. These are Reset, which is an innovative adult mentoring scheme for offenders subject to post-release licence; and a pilot of enhanced combination orders, which provides alternatives to short-term custodial sentences. We are supporting the Housing Executive to roll out community projects based on community empowerment, re-imagining and bonfire management. We are investing in scoping studies on a centre of excellence for restorative practice, and policy development on issues such as organised crime legislation is under way.

We are also now looking at the very hard part of this work: engaging communities, joining up with other initiatives, connecting with other Departments' plans and linking up with the Programme for Government. Whilst there is

much that we can do around law enforcement and other Executive-driven activities, it is fundamentally in the communities in which criminality exists that change needs to happen. That is the challenge that we have set for ourselves. It is what makes this plan different and is the only way in which criminality can be dealt with. I hope that what I outlined provides assurances that we are serious, have made a start and are dedicated and committed to delivering for our communities.

Had the motion not used the word "lacklustre", I would have supported it because I, like every Member of the Assembly, want an end to all forms of paramilitarism. I believe that we are on the right path and that good work is already under way. I will, therefore, support amendment No 2 because it is only through engaging with and empowering communities by supporting the rule of law and tackling criminality that we will make real progress on dealing with paramilitary activity and organised crime. That is precisely what Fresh Start envisaged, and that is what the Executive will deliver.

In conclusion, I thank the Members for bringing the debate to the Chamber and for the opportunity to demonstrate that we are committed to addressing the issues associated with paramilitarism. We have come a long way but there is such a long way to go. I repeat: let us not send mixed messages to our communities about how serious we are. I can assure you, Mr Speaker, that, as Justice Minister of Northern Ireland, I am committed, along with my Executive colleagues, and I ask the Assembly and the communities that we represent to play a role in how we can move forward in tackling organised crime and paramilitary activity.

**Ms J McCann:** I have heard no one argue against the thrust of what has been said. Most Members are calling for an end to paramilitary activity, criminality and organised crime throughout the North, which is what the Executive's action plan also aims to do. As with all action plans, there needs to be an implementation plan for how it will be done. More importantly, this needs to be structured around the 43 recommendations, as a number of Members pointed out, because it is very important that they are implemented.

The reality, as a lot of Members said, is that this has to be done within a framework that has total community involvement. That, alongside the criminal justice response, has to be at the core. Time and time again, when looking at issues right across criminality and even antisocial

activity, we have seen that there needs to be a holistic response and buy-in from all the statutory agencies and communities in order to tackle any of those problems. I do not see this as any different in terms of the framework.

It is important that communities have the resources. Very often, we see a lot of volunteers on the streets, particularly at weekends, dealing with issues. They are expected to consistently give up their free time, and it is important to recognise that that is not sustainable. Communities need to be involved not just in the delivery stage but in the design and implementation stages. We need to empower communities. If we are to assist in delivering the type of society that we want — one that tackles this type of criminality and anti-community activity — everybody has to be involved.

Members mentioned a number of vulnerable groups, particularly our young people, who can be targeted by sinister individuals. We see all the time how young people can be caught up in paramilitary activity. It is the individuals, families and communities on the ground who see that and it is they who are impacted, so we need to involve young people as much as possible, particularly in the programmes of intervention that we want to take forward.

Gerry Kelly, who proposed our amendment, mentioned not only an outcomes-based approach and joined-up thinking but the importance of a co-design approach that will empower communities. It is OK for us to say, from up here, to the communities that will marginalise the criminal gangs, "That's what you need to do". People need to go into those communities and see how it impacts on them and, more importantly, how they respond. Our communities are resilient in standing up to this type of activity, although they can be fearful of it.

Gerry Kelly mentioned the positive and productive role that ex-prisoners have played in society. Doug Beattie, in his disgraceful contribution, talked about Sinn Féin not condemning dissident republicans. In particular, my colleague Gerry Kelly has been demonised. People in the Chamber know that we have consistently condemned — you have only to look at our record. We have been at the forefront of communities, standing with the residents who have been targeted by these people. That was a bit of a cheap political point.

**Lord Morrow:** Will the Member give way?

**Ms J McCann:** No, I will not. I would not get to finish.

Philip McGuigan spoke about promoting lawfulness, support for transition, tackling criminality and addressing systemic issues. He mentioned a cross-departmental programme board that will allow for coordination across Departments. He also said that any initiatives have to tackle economic deprivation, unemployment and educational underachievement. Other Members mentioned that as well.

Our amendment is saying that while responsibility rests with the Executive Office and the Department of Justice to fully implement —

**Mr Speaker:** I ask the Member to conclude her remarks.

**Ms J McCann:** — all 43 recommendations, it is clear that any implementation plan must have buy-in from the community.

Community initiatives need to be adequately resourced, and there needs to be meaningful input to any co-design approach, as I said.

**12.15 pm**

**Mr Speaker:** The Member's time is up.

**Mr Attwood:** Can I make one point? There is a common approach, whether it is Gerry Kelly, Sammy Douglas, the Minister, Doug Beattie, the SDLP or those who are speaking to a very good Alliance motion, and there should be no doubt or ambiguity to anybody listening to this debate about the commitment to dealing with paramilitarism and organised crime. The two issues are the scale and the speed of the response. As we know from recent events and from many events before, criminality and paramilitarism — two years since the twentieth anniversary of the first ceasefire and two years before the twentieth anniversary of the Good Friday Agreement — are enduring and embedded. It should be about scale and speed, but I am afraid that we do not have the scale and clearly do not have the speed.

I want to make one comment in passing about what the DUP is at today and yesterday. It is quite clear that the Government parties are beginning to feel the pressure because of multiple reasons and events. Sinn Féin is better at disguising it, but the DUP cannot disguise it at all, and the aggression and interruptions reflect the fact that the DUP is



beginning to get it in the neck and is not happy about it. The person who most reveals that is the man who is smiling at the moment, Paul Frew. He is not inclined to be bombastic, yet yesterday and today he has been, in my view.

**Mr Frew:** Will the Member give way?

**Mr Attwood:** It is very revealing about the DUP approach. The Government parties are beginning to feel under pressure. I will give way to the Member.

**Mr Frew:** I thank the Member for giving way. How could the Member describe my contribution yesterday as "bombastic"? We were talking about addressing the past and about victims. I did not use bombastic language yesterday at all, and my tone could not have been described as bombastic.

**Mr Attwood:** I refer to the Hansard report.

**Mr Speaker:** The Member has an extra minute.

**Mr Attwood:** Thank you.

I refer to the comments of other Members who are selective and partial in their memory. The difference between the SDLP and the DUP, when it comes to things of the past that we have got wrong, is that we stand up and apologise and acknowledge it. Others continue to pretend that they did not commit any error.

I want to deal with the substance of the matter. You cannot escape from what the Minister of Finance said to the Chamber during his statement on October monitoring. He said:

*"The Secretary of State has advised that UK Government funding will not be released until the Executive agree a more detailed action plan." — [Official Report (Hansard), 25 October 2016, p21, col 1]*

So, £5 million that could have been available this year is not available this year because there is not a more detailed action plan. The Minister who chairs responsibility for this, although it is an Executive-wide responsibility, cannot run or hide from that fact that the Secretary of State says that money will not be released until the Executive agree a more detailed action plan. I remind the Minister of what she said and what the First Minister and deputy First Minister said on 19 July about the action plan being a:

*"challenging and ambitious programme of work",*

and so on and so forth. While she has been valiant in her defence of what has happened, the Minister cannot reconcile the fact that, on one hand, in July, she said that there is a challenging and ambitious programme of work, yet the Minister of Finance, without dissent from the British Government line, says that funding will not be released until the Executive agree a more detailed action plan. That is the issue. The issue, Minister, is scale and speed, and the British Government are saying that there are issues with scale and speed. There are issues with scale and speed because paramilitarism and criminality are continuing to embed in our communities rather than be purged. The next time the Minister and the Executive come here —

**Ms Sugden:** Will the Member give way?

**Mr Attwood:** I will not give way because I have too much to say.

The scale and speed must be the defining features of what is happening. Let me give you some examples in that regard. The NCA, in October of last year, made a bid for moneys. It was then told by the British Government that it was illustrative and had to withdraw the bid. Here we are, 11 months later, and the NCA has still not got a penny for the work that it is responsible for and is undertaking.

Let me deal with the issue raised by the Members opposite. We agreed to the NCA in February 2015 because there were levels of accountability; it could do its work properly subject to oversight by the Policing Board. At that stage, unlike Sinn Féin — strangely, the DUP have nothing to say to Sinn Féin about the NCA — the SDLP voted in favour of full powers for the NCA. The point is that, since then, when it comes to the issues of scale and speed, the NCA has not got one penny extra to deal with organised crime. The Minister will say that it is being dealt with now. It should have been dealt with last October; then it should have been dealt with last May; certainly it should have been dealt with before now.

Let me put down a marker: there is error and damage in some of the panel's report, which we have accepted —

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

**Mr Attwood:** It refers to "ambitious" programmes for "communities in transition". Are we about to see social investment fund 2? Are we about to see more funding for the likes of Charter NI?

**Mr Lunn:** I thank everybody who has contributed today. Alliance proposed the motion to highlight concerns over the delay in meaningful action since the Good Friday Agreement, the ceasefires and, more recently, the so-called action plan and Fresh Start Agreement. I think that it is accepted around the Chamber that things have been less than perfect, to put it very delicately. We refer in our motion to the "lacklustre" response of the Executive. The Minister took exception to that. I cannot think of a better word. It has been lacklustre. It is slow. Mrs Cameron referred to the achievements of T:BUC. T:BUC has moved at a snail's pace since it was supposedly brought into effect. We need a debate on T:BUC some time just to see where we are with it, because it has been a complete shambles.

**Mr Ford:** Will the Member give way?

**Mr Lunn:** Who was that? Oh, yes. *[Laughter.]*

**Mr Ford:** I would like to clarify the timescale. I am grateful to my colleague for giving way, although the Minister did not want to take any interventions on grounds of time. We should, however, give her some credit: at least there is a Minister in the Chamber, unlike yesterday. Paragraph 4.3 in section A of 'A Fresh Start' says that:

*"Before the end of June 2016,"*

— not in mid-July —

*"the Executive will publish an action plan including all of the above measures, together with timescales for implementation."*

— which were totally lacking in July. So much so that in July the foreword, signed by the three Ministers, said that:

*"a more detailed internal action plan including timescales and costings will be submitted to the Executive for consideration in due course."*

We all know what "due course" means from this Executive.

**Mr Speaker:** I do not suspect that Mr Lunn will object, but interventions should be short.

**Mr Lunn:** It is about quality as well, Mr Speaker. *[Laughter.]* That was extremely good quality.

I will try to move on. We think it is time for the decisive movement called for in both the motion and the amendment. The inadequacies of the action plan, which have been recognised by the British Government, as various people said, need to be addressed. The plan will not be funded until it is detailed. Very importantly, the last line of both the motion and the first amendment talks about:

*"developing a protocol on state and public-sector engagement with individuals with perceived paramilitary connections."*

Mr Kelly had a difficulty with the word "perceived". I have a difficulty too, but I am probably coming at it from a different direction. If known paramilitaries, who are named weekly in the Sunday press, do not challenge the accusation levelled against them, that goes beyond perception. They think that they are above the law. That is really what we are talking about here: being above the law. That part of the motion calling for a protocol is difficult.

**Mr Stalford:** Will the Member give way?

**Mr Lunn:** No, sorry. Maybe later. Let me move on.

The extent of engagement that is regarded as acceptable between us or community workers and paramilitaries, either ex- or current, is a matter of judgement.

It is a judgement call whether to get your photograph taken with a known paramilitary, even at the launch of a funding event. I think that the First Minister made a serious mistake there, but that is the way it is. We all have to make judgements on whom we deal with and whom we talk to.

It is important to spell out what we are dealing with here and the emphasis on the word "paramilitarism". The Sinn Féin amendment at least mentions "criminality and organised crime". Paramilitarism, if it ever had any validity, was founded on the need for defence, volunteer activity, some sort of pseudo-military structures, the use of force to further political aims and the defence of or ending of the union. There was never a need for this. The

organisations involved, whether loyalist or republican, inflicted more terrorism and human misery on their own communities in the guise of defence than the perceived enemy, who were doing the same thing, ever did. They leached off their communities — they still do it — by criminal activities that have nothing to do with defence or paramilitarism, such as extortion, drug trafficking, protection rackets, human trafficking and prostitution — the list goes on and on. They continue to do so. I forget who mentioned the statistic that over 400 families in the last recorded timescale had had to leave their home and be rehoused as a consequence of paramilitary pressure.

The notion of defence, famously repeated by Mr Dee Stitt about a band being part of the defence of north Down, when the organisation to which he allegedly and unashamedly belongs controls the illegal activities in the estates of that area and others, is utterly disingenuous and needs to be called out for the smokescreen that it is. So-called paramilitary leaders, brigadiers, officers commanding or whatever with no visible income except from nebulous community activism have grown fat and wealthy. They live lavishly. They have business and property interests, the financing of which has been derived from the very communities that they claim to protect. It really is time to stop pussyfooting around. The notion that paramilitary criminals should have any role in turning around the communities that they have such a grip on is ridiculous.

The first amendment adds detail to our motion, and we have no dispute with it. It is welcome that the need for clear targets and timescales is emphasised and a confirmation that this is really about organised crime.

I want to move on to what people said. Apologies to those whom I do not mention. Doug Beattie started off his speech by referring to the fact that he was inclined to look at things through rose-tinted glasses. All that I can say is that, after two minutes, he took them off and told us the way it is. Without going into detail, I thought that his contribution was excellent.

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

Mr Kelly started his speech by accusing us of tabling the motion as some kind of hand-wringing exercise because we did not get the justice Ministry. If he and his colleagues in the Executive had accepted any of our five-point plans as the price for taking the justice Ministry, we would have taken it. What is on the table here is one of the points on which we were demanding action.

Paul Frew made the point, which is often made, about who was in charge at the time of the Good Friday Agreement and the ceasefires — that is OK — but he also praised Charter NI as a benevolent organisation run by people who really mean very well. He listed the church people, community associations and so on. He did not mention the fact that it is headed by a known UDA member and there are other paramilitary or ex-paramilitary members on the board.

**Mr Stalford:** Will the Member take a very brief point?

**Mr Lunn:** Make it brief.

**Mr Stalford:** I am grateful to the Member for giving way. I served as a councillor for Balmoral. Prior to that, the councillor for Balmoral was Alderman Tom Ekin. Tom Ekin, who has significant business interests in Sandy Row, worked very closely with people from a paramilitary background to help them to transition. He was pictured with them. He made a positive contribution to the community. Some of those people have since been named in newspapers and their reputations maligned.

**Mr Lunn:** Thanks for that.

Pam Cameron said that the issue of paramilitarism had largely disappeared from our TV screens but acknowledged that that did not mean that it had gone away. Clearly, it has not. Again, I refer to T:BUC because she did. T:BUC is a non-event so far.

### 12.30 pm

Sammy Douglas made the point that a lot of paramilitary members who had spent time in jail and come out have become contributors to society. That is great; that is what we need to encourage, whether or not they have been in jail. If the ones who have been in jail have learned their lesson, come out and become valued members of society, there is a message in what we are trying to do. We want to see more of them put in jail for the activities that they have inflicted on this community for many years and continue to do so. They thumb their nose at the law, and the police, under present restrictions, do not seem to be able to do very much about it. We should give the police the tools that they need to take decisive action.

Mr Attwood is absolutely right: we need to fund the NCA. That organisation could, perhaps, make inroads into this nonsense. It is a plague on our society; we do not need it. Every

country in the world has criminality and criminal gangs, but we, for some reason, still call it "paramilitarism". That is disgraceful. These people are organised crime gangs, criminals, gangsters and thugs. It is time that we took decisive action to get rid of them from our society —

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to draw his remarks to a close, please.

**Mr Lunn:** — take them off our streets and let our communities get out from under their jackboot. I support the motion and amendment No 1.

**Mr Deputy Speaker (Mr McGlone):** Before I put the Question on amendment No 1, I remind Members that, if it is made, I will not put the Question on amendment No 2.

*Question put, That amendment No 1 be made.*

*The Assembly divided:*

*Ayes 36; Noes 57.*

#### **AYES**

*Mr Agnew, Mr Aiken, Mr Allen, Mr Allister, Ms Armstrong, Mr Attwood, Ms Bailey, Mrs Barton, Mr Beattie, Mr Beggs, Ms S Bradley, Ms Bradshaw, Mr Butler, Mr Carroll, Mr Chambers, Mr Dickson, Mrs Dobson, Mr Durkan, Dr Farry, Mr Ford, Ms Hanna, Mr Kennedy, Mr Lunn, Mr Lyttle, Mr E McCann, Mr McCrossan, Mr McGrath, Mr McKee, Mr McNulty, Mr McPhillips, Ms Mallon, Mr Mullan, Mrs Overend, Mrs Palmer, Mr Smith, Mr Swann.*

*Tellers for the Ayes: Mr Butler and Mr McNulty*

#### **NOES**

*Mr Anderson, Ms Archibald, Mr Boylan, Ms Boyle, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Ms Bunting, Mrs Cameron, Mr Clarke, Ms Dillon, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Frew, Ms Gildernew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Humphrey, Mr Irwin, Mr Kearney, Mr Kelly, Mrs Little Pengelly, Ms Lockhart, Mr Logan, Mr Lynch, Mr Lyons, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr McElduff, Mr McGuigan, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Murphy, Mr Ó Muilleoir, Mrs O'Neill, Mr Poots, Mr Robinson, Mr Ross, Ms Ruane, Ms Seeley, Mr Sheehan, Mr Stalford, Mr Storey, Ms Sugden, Mr Weir.*

*Tellers for the Noes: Mr Kelly and Mr Robinson*

*Question accordingly negatived.*

#### **12.45 pm**

**Mr Deputy Speaker (Mr McGlone):** 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-minute rule and move straight to the Division.

*Question put, That amendment No 2 be made.*

*The Assembly divided:*

*Ayes 56; Noes 36.*

#### **AYES**

*Mr Anderson, Ms Archibald, Mr Boylan, Ms Boyle, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Ms Bunting, Mrs Cameron, Mr Clarke, Ms Dillon, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Frew, Ms Gildernew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Humphrey, Mr Irwin, Mr Kearney, Mr Kelly, Mrs Little Pengelly, Ms Lockhart, Mr Logan, Mr Lynch, Mr Lyons, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr McElduff, Mr McGuigan, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Murphy, Mr Ó Muilleoir, Mrs O'Neill, Mr Poots, Mr Robinson, Mr Ross, Ms Ruane, Ms Seeley, Mr Sheehan, Mr Stalford, Mr Storey, Ms Sugden, Mr Weir.*

*Tellers for the Ayes: Mr Kelly and Ms J McCann*

#### **NOES**

*Mr Agnew, Mr Aiken, Mr Allen, Mr Allister, Ms Armstrong, Mr Attwood, Ms Bailey, Mrs Barton, Mr Beattie, Mr Beggs, Ms S Bradley, Ms Bradshaw, Mr Butler, Mr Carroll, Mr Chambers, Mr Dickson, Mrs Dobson, Mr Durkan, Dr Farry, Mr Ford, Ms Hanna, Mr Kennedy, Mr Lunn, Mr Lyttle, Mr E McCann, Mr McCrossan, Mr McGrath, Mr McKee, Mr McNulty, Mr McPhillips, Ms Mallon, Mr Mullan, Mrs Overend, Mrs Palmer, Mr Smith, Mr Swann.*

*Tellers for the Noes: Mr Dickson and Mr Lyttle*

*Question accordingly agreed to.*

**Mr Deputy Speaker (Mr McGlone):** As the Business Committee has arranged to meet at 1.00 pm, I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm.

The first item of business when we return will be Question Time, so the Question on the motion will be put after Question Time.

*The debate stood suspended.*

*The sitting was suspended at 12.57 pm.*

*On resuming —*

**2.00 pm**

*(Madam Principal Deputy Speaker [Ms Ruane] in the Chair)*

## Oral Answers to Questions

### Finance

#### Small Business Rate Relief Scheme

1. **Mr M Bradley** asked the Minister of Finance whether there will be an extension to the small business rate relief scheme beyond March 2017 to continue the regeneration of town centres. (AQO 596/16-21)

13. **Mr Humphrey** asked the Minister of Finance for an update on the review of the small business rate relief scheme. (AQO 608/16-21)

**Mr Ó Muilleoir (The Minister of Finance):** It is an almost empty Chamber, which does not do these questions justice. With your permission, a Phríomh-LeasCheann Comhairle, I will take questions 1 and 13 together.

The business rate relief scheme will be continued for another year to allow time for the recommendations from the policy evaluation to be introduced. This work was undertaken, as you know, by Neil Gibson's economic policy unit at the University of Ulster — it is not actually his economic policy unit, but he heads it. The study found that although the current scheme was a useful intervention during the recent downturn, it did not have an enduring economic impact on the local economy or those who gain from it. It was simply spread too thinly. Accordingly, I would like to bring forward a more targeted scheme, and I will bring proposals to the Assembly later this month — next week, I hope — on a range of measures that, taken together, will help to stimulate economic activity.

**Mr M Bradley:** I thank the Minister for his answer. As he knows, we will host the Open

golf championships in 2019, which is an opportunity to sell Northern Ireland plc. We need thriving town centres to showcase and, hopefully, entice our visitors to come back. I welcome the Minister's answer and look forward to his response in the near future.

**Mr Ó Muilleoir:** I thank the Member for his supplementary. I had the great pleasure of visiting Portrush the week before last to see the early preparations for the Open. I was very impressed by the commitment of not only Royal Portrush but the community to making sure that the benefits of the Open will be felt in Portrush, in particular, and across the region not only in 2019 but in the period ahead. It was very clear to me that there are still a number of properties in Portrush — you mentioned there, but it is true across the piece in many of our villages, towns and cities — that we want to encourage people to bring back into use, especially retail properties. In that regard, the urban development grant, which I do not have responsibility for, will, I think, play a huge part. That shows the necessity for joined-up government action.

Everything that I put forward must have Executive agreement, and, of course, the Assembly Committees will have their say as well. With the permission of the Assembly and the Executive, I will take some measures, and I hope that they will emphasise the fairness of the rating policy. We are talking here about business rates for non-domestic properties, but there is also the question of how we get a fairer system of domestic rates. We bring in £1.2 billion at the minute, and I know that you would like to see fairness.

There is also the idea of seizing opportunity. If young people are looking at an empty shop unit, whether it is on the Ormeau Road, in Ballymena or in Enniskillen, and saying that they would love to set up a business there, how can we give them the spur and encouragement to do that? It is my intention to put forward more recommendations in that regard.

**Mr Chambers:** I know, from years of personal experiences, that businesses across north Down are really feeling the strain of the rates burden. Therefore, it is essential that the Assembly continues to provide some support for them. Will the Minister explain whether he has considered providing any temporary support for sectors that may be most disproportionately affected by the changes in support under the small business rate relief scheme?

**Mr Ó Muilleoir:** Thank you for raising that issue. I have visited Bangor as well. I had a lunchtime meeting with those involved in the hospitality business. It started out quite well; then, after 30 minutes, we got on to rates, and the second 30 minutes were more heated and contentious.

The problem is that we want to raise that £1.2 billion. We are trying to share the burden in an equitable fashion, but we have a tax on business, and that is called rates. I am not in favour of another raft of temporary measures, but I am impressed by the proposals put forward by Hospitality Ulster and NIIRTA under Glyn Roberts. I have listened very carefully to them, and I think that they talk a lot of sense. Hospitality is a big part of the small, independent economy of north Down, and Bangor in particular. They say that, if we do more for the hospitality providers, it will help tourism. Then we will get another example of a joined-up economy and joined-up government. I listened very carefully to the presentation that they made. I caught just a little bit when I attended the Finance Committee and Hospitality Ulster and NIIRTA were making a presentation there as well. I have to say that I do not agree with everything that they said, but I hope that, in short order, we can bring forward proposals that are more focused on independent retailers and, in particular, on the hospitality sector.

**Mr Lynch:** When will the Minister announce his vision for the rates system?

**Mr Ó Muilleoir:** I am hopeful that we will do that next Tuesday. I want to cover a number of areas, and some of them came up in the study carried out by the University of Ulster. In particular, it said that the existing small business rate relief scheme is too diffuse and not focused enough, and I am taking that on board. I also like a proposal that they brought forward, which was about a special focus on geographical areas that perhaps have not prospered as much as we would like. So, I hope to bring forward those proposals next Tuesday, I believe. There will be plenty of time for the Assembly and the Executive to consider them. I hope that there will be buy-in. I think that everybody realises that the worst of the recession is over, thank goodness. We have an opportunity now to accelerate the recovery and move forward at pace. Any proposals that I bring forward will have that at their very heart.

We will try to get the balance right. We want to raise revenue for these vital public services that everyone is demanding. No one is suggesting that we cut the funding to any front-line

services. If we have to raise that revenue, we will need to find a fair and proportionate way to do that.

**Ms Bradshaw:** Do you believe that the regeneration Bill should be brought forward? How do you feel it could and should interact with the small business rate relief scheme?

**Mr Ó Muilleoir:** The Alliance Party is always extending and expanding my powers into other Departments. As you know, I and my party wish to see a stepping-up of the pace of transfer of powers to councils in particular. I am a fan of the 11 councils, and I have met them to ask them if they will do more, and if they do more, we will meet them halfway.

The vital thing for all of us at the minute — I say this to every Assembly Member because I know that you are deeply engaged in your constituency — is that we need the councils and councillors to be more ambitious in the time ahead. Part of that is that they need to have more powers, but they should not be held back. I meet some councils that are not as ambitious or bold as others. My view is that every council needs to be as bold as possible in its vision and plans for the future. They should not be waiting for the Assembly to do more, and we will do more; they should be asking us to partner them in every way possible. Now is not the time, in my view, to sit on your hands.

## Rating: Empty Premises

2. **Mr Irwin** asked the Minister of Finance whether he will consider an exemption to the rating of empty homes legislation to address cases where following construction of a replacement farmhouse, the old farmhouse remains on the valuation list but is no longer occupied or under any planning requirement for demolition. (AQO 597/16-21)

**Mr Ó Muilleoir:** I can appreciate that farmers who vacate an old farmhouse will not be happy paying rates on it whilst it lies empty. However, this is something that all owners of empty homes face, and they have the same choice of letting it out, selling it on or continuing to pay the rates. If we were to grant an exemption, I think that it would have to apply to everyone holding a vacant residential property. To do so would lose the Executive many millions of pounds a year in revenue, and that money, as I said earlier, helps pay for essential public services and investment — health, education and everything else that we have responsibility for. Our local councils would also lose out. That said, if the farmhouse is in poor repair and

is no longer habitable without substantial restoration work, it can be removed from the valuation list and rates will not be payable. In assessing whether a property can be occupied as a home, Land and Property Services will take into account the character of the property and whether a reasonable amount of work would render it habitable.

**Mr Irwin:** I thank the Minister for his response. Currently, a valuation of £20,000 or more makes a property liable for empty homes rating. Will the Minister look at the possibility of raising this threshold? I think that the threshold is very low, and, in effect, it means that many of the houses — there was one particular incident this week where a house has not been lived in for 32 years and, still and all, the owner received a £3,100 rates bill for five years' back rates.

**Mr Ó Muilleoir:** I vowed not to introduce more reliefs in the short time ahead. We will come forward with some proposals around small businesses. If the Member wants to write to me in that regard, he may do so.

He should be aware that I do receive a fair bit of correspondence on this. It strikes me as genuine correspondence from people who are in hardship, who have moved into a new home, as you say, maybe a generation ago. They find that it is not easy or possible to rent the home. They have no family who wish to use it, and, therefore, they have been left with a problem that is not easily resolved, and they end up paying a bill each year for which they do not feel they get a reward. I am not minded right now to increase the threshold, but I am aware of that hardship. If the Member wants to write to me, maybe we can explore certain instances within that.

**Mr Durkan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle agus gabhaim buíochas leis an Aire as a freagraí go dtí seo. Can the Minister inform the House whether he is considering any further exemptions on rating? I am thinking, for example, along the lines of credit unions.

**Mr Ó Muilleoir:** Ba mhaith liom buíochas a ghabhail leis an Chomhalta as an cheist sin agus as a chuid físe. I thank the Member for his visionary powers, because it just so happens that his Committee has written to me to ask whether I would consider rate relief for credit unions. That followed hot on the heels of the first letter that I received, also from the Committee, asking for relief from corporation tax for credit unions. I have no doubt that they will mount up as well. The Member, in his city,

has made a big contribution to the credit union movement on this island. I think that credit unions do a great job for society and the community. I am happy to look at it. I am a member of a credit union. When they are managed prudently, they sometimes make some money and distribute that to their members. I think that, like everyone else, they have to make a contribution to keeping the lights lit in the public services that we have. I have received the letter, and I am happy to receive any further representations, but I would not make any promises. I would not make any withdrawals on this particular answer just at the minute.

**Mr Boylan:** Does the Minister consider that there is sufficient support for farmers in relation to rate relief?

**Mr Ó Muilleoir:** I do not think that anyone believes that rate reliefs are sufficient in their sector, but, of course, farms and related buildings are not subject to rates at all. As well as that, for a farmer who needs to live on or near his or her farm, a reduction of 20% is applied to the capital value of the farmhouse. To use the term that Mr Durkan used, there are, in my view, generous reliefs for agricultural land and for farmhouses at this time.

**Mr Kennedy:** Will the Minister take the opportunity to review the legislation governing the effective date at which a new property or domestic dwelling becomes eligible for the payment of rates and at least issue fresh guidelines?

**Mr Ó Muilleoir:** I am happy to look at all those issues, and this is another issue that has come up in relation to the immediate payment of rates. I am looking forward to the day when some Member stands up and says that, because we need more money for education, for health or for economic regeneration, they are suggesting somewhere that we remove a relief from. I am not going to be that person just yet, although I will have some views on it next week. I am not happy to review the change suggested by the Member at this minute, but I am sympathetic. On the other hand, someone will have to pay the rates to keep this society going forward. When I reduced to zero the rates for community and amateur sports clubs, that was welcomed universally, but we are also going to have to find a way to say that we think we can find extra money, not more reliefs, from the community to fund the services that the community needs and demands.

**Subcontractors: Prompt Payments**

3. **Mr Poots** asked the Minister of Finance how his Department ensures that the main contractors on public-sector contracts are paying subcontractors promptly for their work. (AQO 598/16-21)

**Mr Ó Muilleoir:** It is public procurement policy that first-tier subcontractors are paid within 30 days, and the Central Procurement Directorate (CPD) has implemented a range of measures to ensure that subcontractors are paid promptly.

Most recently, this has included the successful rollout of project bank accounts, as the Member will be aware. However, it also includes other practical measures, such as a requirement for project managers to monitor subcontractor payments at monthly progress meetings with the contractor. There is also a requirement for the client, main contractor and subcontractors to honour payments as they fall due by signing a fair payment charter.

## 2.15 pm

**Mr Poots:** Thank you, Madam Principal Deputy Speaker. I apologise for not being in my position for a question yesterday.

The Government's record in ensuring that main contractors are paid quickly is good, but I think that main contractors are using subcontractors for banking purposes. You mentioned project bank accounts, which I think are used in a very limited way in the maintenance sector in particular. On the maintenance sector, will the Minister give us some assurance that subcontractors will be paid promptly by the main contractors and that people will not be out hundreds of thousands of pounds for several months when others have already been paid by the Government for the work carried out?

**Madam Principal Deputy Speaker:** I thank the Member for his apology and remind him that questions are supposed to be brief and to the point.

**Mr Ó Muilleoir:** I, too, thank the Member for his supplementary. This issue of payment to subcontractors and those farther down the line has really been in use since the Celtic tiger collapsed and a lot of people were left in the lurch. It has come up on my watch on several occasions, so there are a lot of people concerned about this, especially where public money is being spent. Our purpose when carrying out infrastructural investments is that we get the money paid promptly to the main contractor, but we want that money to be cascaded down through the entire value stream

and worker stream of the contract. I want to make sure that that happens. Patsy McGlone had a separate meeting with me as the head of the all-party group on construction, and we touched on this issue and the issue of retentions. The Member will know that it can sometimes be a burden on those farther down the work chain if they are waiting for retention money when it does not really make much sense. So, yes, I think that, with public money, we are good at making sure that we have the right impact and that people are paid promptly, but I am happy to look again at the maintenance side if the Member thinks that we are perhaps not just as efficient as we would like to be in that sector.

**Mr Aiken:** Will the Minister seek to publish the payment guidelines and the timing of major payments across government that are made within 30, 60 and 90 days? I understand that that is practice in GB, and it would go a long way to helping people to understand whether Government are making prompt payments and further payments downstream.

**Mr Ó Muilleoir:** Mr Aiken, I am very happy to encourage that to happen if it is not at the minute. I have met the key group from the construction industry at least twice. I have gone out to visit some of the representatives, including those from the quarry industry, on-site in Maghera and east Belfast. In concert with Executive Ministers, I am resolved to, first, make sure that we green-light, start and deliver projects. The other thing is that we need to get the money spent. I would like to encourage anything that helps transparency in that. I think that the industry accepts that there is really no sense at all in our trying to provide an economic stimulus to the construction sector by green-lighting projects if the money is not then spent and allocated promptly.

**Mr Kearney:** A Aire, ar an ábhar cheannann chéanna agus a thóg Edwin Poots, an dtiocfadh leat cur síos ar na smachtbhannaí a chuirtear i bhfeidhm ar na comhluchtaí nach n-íocann fo-chonraitheoirí s'acu in am? Minister, building on Edwin Poots's question, can you explain to us what sanctions are in place for firms that fail to pay their subcontractors in good time?

**Mr Ó Muilleoir:** Cinnte. Bless you to the Chair of the Committee as well. Glacann mo Roinn agus an Coiste Feidhmiúcháin an-dáiríre le comhluchtaí nach n-íocann a gcuid fo-chonraitheoirí in am. Feictear seo sna hiarmhairtí do ghnólachtaí a ghlacann páirt i gcleachtas den tseort sin maidir le conarthaí Rialtais, nó d'fhéadfaí teastas míshásúil



feidhmíochta a bhronnadh orthu. D'fhéadfaí go gcuirfear cosc ar na gnólachtaí a fhaigheann a leithéid de theatas cur isteach ar chomórtais soláthair phoiblí ar feadh tréimhse nach faide ná trí bliana. The failure of a firm to pay its subcontractors promptly is a matter that the Executive and my Department take very seriously. The ramifications for firms that engage in such practices in government contracts reflect that, as they may be issued with a certificate of unsatisfactory performance. Receipt of that certificate can result in a firm being excluded from public procurement competitions for up to three years.

## **Brexit: At-risk Projects**

4. **Mr Smith** asked the Minister of Finance, other than the York Street interchange, what Executive projects are at risk following the decision of the United Kingdom to leave the European Union. (AQO 599/16-21)

**Mr Ó Muilleoir:** Thank you, Mr Smith. As you are aware, I met David Gauke, the Chief Secretary to the Treasury, on 24 October. The British Treasury continues to refuse to guarantee that it will replace EU funds that are lost after the exit from the EU — if it happens. The British Government need to underwrite not only funds up to the point of leaving the EU but income streams that would have been available to us afterwards. There remains considerable uncertainty for projects without that guarantee of continued funding and without confirmation of the date of leaving the EU — if that happens. "Considerable uncertainty" is diplomatic language; I was away for a short period, and I see that things have become even more confused in my absence.

The York Street interchange project remains a priority for the Executive and for me, and the Member will have heard me say that publicly. In view of that, a joint working group involving my Department, the Strategic Investment Board and the Department for Infrastructure has been established to look at that project.

**Mr Smith:** I thank the Minister for his answer. As recently as 25 October, James Brokenshire said that the Treasury will:

*"guarantee funding for structural and investment fund projects signed before the UK leaves the EU, even where projects continue after we leave."*

I am holding a copy of a press release dated 15 March 2016 from the then Minister for Regional Development, Michelle McIlveen, in which she

explicitly states that construction will commence in 2017. Will the Minister tell me whom I should believe — the Treasury or the Executive — as both cannot be right on the funding of the York Street interchange scheme?

**Mr Ó Muilleoir:** In all cases where there is a difference of opinion, Philip, do not believe the NIO or the Treasury. When David Gauke had that meeting, he had the Secretaries of State for the devolved regions in there as well, who were reasonably mute during the meeting. The situation is summed up by the following analogy: if I wanted to build a house and had the money to build 60% of it, that would be great, but would I really do it if I did not have a guarantee on the other 40%? Some of our transport projects in particular, which date out a while, would perhaps not even go out to tender, and Europe would not request bids for them, until 2018. There is no certainty on that 40% so that you can build 100% of your home. There is no certainty that that money would be delivered and that letters of offer would be signed off before there is an exit — if there is an exit — by the British from the EU.

I have enormous sympathy with you being caught between the NIO and the Executive or me, but I assure you that you will always find a safe berth here. You should place your trust in the Finance Minister at all times.

**Mr Kelly:** Gabhaim buíochas leis an Aire as a freagraí go dtí seo. I thank the Minister for his answers up to now. Will he give an update on Peace and INTERREG funding?

**Mr Ó Muilleoir:** I thank the Member for his question. Two Fridays ago, we met at Greenmount campus in County Antrim to discuss EU funding. Representatives attended from across the North and further afield. They are worried not only about EU funding but about government investment plans. I said then — I will say it again — that this Executive is 100% committed to the flagship projects. That includes the A5, the A6, the Belfast transport hub, the mother and children's hospital, the college at Desertcreat and the regional and subregional stadia.

The groups that gathered want that reassurance because they understand that it is not about EU funding only; we need a joined-up approach to growing the economy. After that meeting, we guaranteed that letters of offer would go out for the moneys that I have direct responsibility for: INTERREG and Peace funding. You will be pleased to know that government does not stop just because I am

out of the country, and letters of offer issued last week to INTERREG and Peace projects.

Ten INTERREG letters of offer will issue in the week beginning 7 November, which is this week. I believe that they are now in the post or have gone out. They include the Swell project, which comes under the environment theme; the Co-Innovate/InterTradelreland SME project; five health projects; and three greenway projects. On 2 November, the first Peace II steering committee committed to £13.4 million for the Victims and Survivors Service. I apologise for that long answer.

**Mrs Little Pengelly:** I am sure that the Minister will accept that EU funding guarantees are an issue not just here but across the United Kingdom when it comes to protecting infrastructure projects and ensuring that that pipeline continues. I am concerned by what the Minister said about that —

**Madam Principal Deputy Speaker:** Has the Member a question?

**Mrs Little Pengelly:** There have been attempts by Treasury to clarify and guarantee. What further actions are you taking to satisfy the Department and the Executive that the guarantees are there to ensure that those projects can go ahead?

**Mr Ó Muilleoir:** I accept their guarantees, despite my earlier comments to Philip. When the British Government say that they will guarantee the moneys until an exit, if it happens, I accept that. However, there are two areas that we disagree on.

The first relates particularly to large infrastructure projects. If the letters of offer are not issued by the time of an exit, which could be March 2019 for our friends in England and Wales, the Government will not guarantee funding. That is a gap, and they need to fill it. As well as that, they need to give us a guarantee now that, when the CAP money disappears, they will replace it. That is essential because 10% of the payments for agriculture from the EU that go towards what you call the UK end up here. A Barnett consequential would mean that only 3% ended up here. We need the British Government to close that gap as well. They need to guarantee that all the funding we receive at the moment under EU programmes will continue to flow here. I say that particularly in relation to many of the groups that I met — whether they were from the Bogside, Tiger's Bay or south Armagh — at Greenmount College. They are already

looking ahead — some to Peace and INTERREG, some to other funds — and asking, "What happens if we are pushed out of Europe? Who will guarantee the funding to the Cedar Foundation, the WAVE Trauma Centre or Relatives for Justice?". The answer is that the British are refusing to guarantee that.

I accept it when Chancellor Hammond says that, until exit, he will stand over signed letters of offer. However, he needs to go further and say that he will stand over letters of offer, particularly for large infrastructure projects, signed after that. Then, he needs to tell us how he will fill the gap in the time ahead.

**Mr Allister:** Clearly, it is not, but should it not be beneath the Minister to scaremonger on this issue? The Chancellor's commitment is very clear —

**Madam Principal Deputy Speaker:** Has the Member a question?

**Mr Allister:** He will underwrite projects signed until the date —

**Madam Principal Deputy Speaker:** Has the Member a question?

**Mr Allister:** I am seeking to ask a question, if I might be permitted. He will underwrite projects signed to the point when the UK leaves — and we will leave.

**Madam Principal Deputy Speaker:** Will the Member come to his question, please?

**Mr Allister:** It is not to the point of letters of offer; it is to the point of projects signed —

**Madam Principal Deputy Speaker:** I call —

**Mr Allister:** — and that clearly extends to the interchange at York Street as much as to anything else.

**Madam Principal Deputy Speaker:** Will the Member come to his question, please?

**Mr Allister:** Are the Minister and his colleague in the Department for Infrastructure simply trying to drag their feet to make a case against Brexit?

**Madam Principal Deputy Speaker:** Will the Member come to his question rather than making long statements?

**Mr Allister:** If you had listened, you would know that I have asked it.

**Madam Principal Deputy Speaker:** Minister, if there is a question there, you might wish to answer it.

**Mr Ó Muilleoir:** There is a great saying in Irish, aithníonn ciaróg ciaróg eile, which means that one beetle recognises another. However, I certainly do not recognise myself as a scaremonger, but I know one person in the House who has a good reputation in that regard.

The issue remains, Mr Allister, although it is great that you have the certainty that no one in London can give us. Brexit means Brexit, but it is an omnishambles that has got more confusing in the last seven days. Regardless of what you wish to happen, I am interested not in scaremongering but in getting the facts and getting a guarantee. As I said to Mr Smith and others, I am happy with the guarantee over Peace and INTERREG money until the date of an exit. However, I am not happy that the British will not guarantee letters of offer and contracts that are signed off after a departure. They need to guarantee them so that we can plan to build, as I said, 100% of the house, not 60% of it. That might work where you are from, but, where I am from, we build the roof as well.

**2.30 pm**

**Madam Principal Deputy Speaker:** That ends the period for listed questions. We will now move on to topical questions.

## **Councils: Regeneration Powers**

T1. **Mr Attwood** asked the Minister of Finance whether he agrees that the transfer of regeneration powers to our councils would help them to be, as he said earlier, bold in vision while not sitting on their hands but working in partnership, and will he make that representation to the Department for Communities. (AQT 436/16-21)

**Mr Ó Muilleoir:** I thank the Member for his question. I do not make a lot of representations to other Departments; usually, they make representations to me. However, since my appointment, I have had a scale of engagement with councils that, I think, you would accept is unprecedented for a Finance Minister. I have visited Mayor Wales in Mid and East Antrim Borough Council and Lord Mayor Kingston in Belfast City Council. I have been to see

Chairperson Fitzpatrick in Newry, Mourne and Down District Council several times, and I have visited Fermanagh and Omagh District Council. I am, I think, a booster for councils, and I am an advocate for more powers. Yes, I would like to see the rapid speeding-up of their ability to make a major contribution to the economic growth of our area. I do not spend a lot of time making representations, but my record shows where I stand on councils having the ability to match their ambition in the time ahead.

**Mr Attwood:** I thank the Minister for his answer. I hope that the good engagement with councils will now translate into good representations to communities. At the same time, does he agree that city deals are another mechanism whereby councils in the North, on a regional or city basis, can access funds in order to regenerate their cities? In that regard, is there a change of heart in the Department given what appeared to be resistance, certainly at an official level, in the previous mandate to city deals for Northern Ireland?

**Mr Ó Muilleoir:** I thank the Member for his supplementary question. A young councillor whom you may know called Tim Attwood is a strong advocate for city deals. I met him at a meeting that I had with the councils in Lisburn, and I attended a partnership panel chaired by the Minister for Communities, Paul Givan, recently where we engaged with councils. I have an open mind on city deals, and I know that some of our friends across the water have embraced them more vigorously than we have. I have said previously to Councillor Attwood that if councils want to bring forward proposals, they should.

I have certain reservations about falling back and asking our friends in London to grant us and be dependent on them for a stepping-up of the pace of growth in Belfast, Derry or other areas. I have an open mind on the issue, and I am quite happy for people to bring proposals forward, but, of course, they will not go to me; I suspect that they will go to the Executive Office or Minister Hamilton first.

## **Budget 2017: Inflation Impact**

T2. **Mr Smith** asked the Minister of Finance, given that the Bank of England has projected that consumer price inflation will rise to 2.7% in the final quarter of 2017, what impact that will have on next year's Budget. (AQT 437/16-21)

**Mr Ó Muilleoir:** If you had said it was the Bank of Ireland, I may have been more solicitous to your question. In all seriousness, my Budget is

my Budget, so the rate of inflation will not affect the cash that we have at hand. However, you know the dangers of inflation. It will put pressure on the public wage bill, because people will say, with much justification, that the cost of living is going up and, therefore, I need an enhanced wage bill. Inflation may push up the cost of food — we have already seen that — and some of this is a consequence of Brexit. I am not sure what side Mr Smith was on at the time — whether he was for "Remain" or "Leave" — but I suspect that he is all for "Leave" now. Some of the spike in inflation is and will be due to the uncertainty surrounding a Brexit.

Is a little bit of inflation good? I think it is. If inflation goes above 2% — that has been the watchword for Governments across Europe — and surges ahead, in my view it will certainly be bad news for those who are at the bottom of the economic ladder and those who are already struggling with their household bills. Some of that we have control over, but much of it we do not. In the time ahead, I think you will agree, we need to make sure that our own economy picks up pace and speed and provides more jobs and opportunities, so that we are not caught in the vice of growing inflation at the same time as the recession that is about to hit us as well.

**Mr Smith:** I thank the Minister for his initial answer. Officials recently before the Finance Committee indicated the Executive Budget would face a further reduction or pressure of 4.4% next year. Is there any provisional indication of what impact this, along with, presumably, additional spending for the Health Department on the back of Bengoa, will have on other Departments' baselines?

**Mr Ó Muilleoir:** I am always hopeful that, when Mr Smith gets up, he will tell me that he has been speaking to the Treasury and has made representations, to use the word of Mr Attwood, in relation to the Budget cut.

It is not a 4.4% cut next year, but over the period of this mandate, between now and 2020, the resource budget will be subject to a 4%-plus cut from London. That, indeed, is a major challenge to all of us. As you know, wages are going up at least 1%, and there is pressure for an additional increase above that. So, we are under enormous challenges.

I said to Mr Gauke, when we met in London last week, that the greatest thing he could do to provide an economic stimulus would be to say that there would be an end to that austerity agenda, because that is the austerity agenda continuing. It may be austerity lite, but it is

continuing, and it is a direct instruction and mandate from London over which we have no say — that is, that we have to cut our resource budget by 4%.

I know that UCUNF went to the dance with the Conservative Party. I do not know how relations are. Maybe you have moved on to another partner, but if you have any influence, I suggest you apply it to Mrs May and Mr Hammond to say to them that we are under enough pressure in balancing our budgets, building our economy and building a shared future without this 4.1% cut.

## **USA: Cultural and Historical Connections**

**Madam Principal Deputy Speaker:** Clare Bailey is not in her place. I call Nelson McCausland.

**Mr McCausland:** Thank you, Deputy Speaker. The Finance Minister is a person who has considerable interest in links between Northern Ireland and the United States of America. He is also very conscious of —

**Madam Principal Deputy Speaker:** Has the Member a question?

**Mr McCausland:** That is a question. I am getting to the question.

**Madam Principal Deputy Speaker:** Will the Member ask his question?

**Mr McCausland:** Yes, I had to preface it with just a line or two. I am sure if you bear with me for a moment —

**Madam Principal Deputy Speaker:** The Member will come to his question or else I will call somebody else.

**Mr McCausland:** Yes. I think a little bit of opportunity for me just to preface it with one or two sentences —

**Madam Principal Deputy Speaker:** I hope the Member is not challenging the authority of the Chair.

**Mr McCausland:** No, I am simply trying to get asking my question.

**Madam Principal Deputy Speaker:** Can the Member come to his question, please?

**Mr McCausland:** I will as soon as I get an opportunity, Madam Deputy Speaker. The Finance Minister is very aware of the strong cultural links between Northern Ireland and America and also the potential for culture as a source of soft power.

**Madam Principal Deputy Speaker:** Could the Member come to his question or I will call the next person?

T4. **Mr McCausland** asked the Minister of Finance, given that half of the people on the island of Ireland are of Scots-Irish descent, to outline his assessment of the potential to utilise those cultural and historical connections for the economic benefit of Northern Ireland. (AQT 439/16-21)

**Mr McCausland:** I think that does, in fact, constitute a question.

**Madam Principal Deputy Speaker:** Can I remind the Member that questions are supposed to be brief and to the point?

**Mr Ó Muilleoir:** Mo bhuíochas fosta leis an Chomhalta. In the US, as the Member will know, 33 million people ascribe themselves as having an Irish-American identity and about seven million as Scots-Irish. The opportunity to leverage the great sympathy and support that we have among that Scots-Irish cohort in the US has still not been fully seized. I believe it is not only about tourism. It can translate into educational links, economic partnerships and investment.

The greatest impact that we can make when we travel to the US is not when we deliver a message that is targeted at just the Irish-American or the Scots-Irish but when we talk about Planter and Gael together; that is the type of message. Scots-Irish and Irish-American together are much stronger than either apart.

**Mr McCausland:** Some might argue that the Gaels were Planters as well. Would the Minister undertake to work with the relevant folk in the Department for Communities and the Minister there, who have responsibility for the Ulster-Scots Agency, to see if additional resources could be afforded to enable it to work up additional work in that context because of the fact that the budget of the Ulster-Scots Agency is so much lower than the budget for Foras na Gaeilge?

**Mr Ó Muilleoir:** I think that emerged as a complaint rather than a question. I have

recently written to the board, and I am happy to widen the discussion to include its approach to the US. If it is any help, I will make myself available as a resource. I have been promising to go to Atlanta, in particular, and Nashville, and I have never made that visit.

I believe that more can be done, and I hope to get a response from the board to the letter that I sent. Perhaps we can widen out the discussion to include the US.

## Marriage Equality

T5. **Ms Seeley** asked the Minister of Finance, in the light of a question she previously asked about marriage equality, for an update on the commitment that he made. (AQT 440/16-21)

**Mr Ó Muilleoir:** Yes. I thank the Member for her question. As she may have read or noted, I brought forward to the Executive, not last week but the week before, a proposal that I be allowed to bring forward a consultation on a marriage equality Bill. That was voted down in the Executive, and, therefore, I cannot proceed, as Minister, with that Bill. I therefore hand the baton, as it were, over to the private Members. I know that a number of private Members wish to bring forward a Bill on marriage equality, and that, of course, will have my support.

**Ms Seeley:** I thank the Minister for his answer, but I am disappointed that that was the response from the Executive. Was the issue of marriage equality raised during his recent visit to the US?

**Mr Ó Muilleoir:** Yes. The Member should not be disappointed about these matters. As another famous Atlantian said:

*"the arc of the moral universe is long but it bends toward justice."*

I am confident that, in this little part of this small island and these islands, we will see marriage equality.

Yes, this issue does come up in the US. It comes up in San Francisco, which is probably the capital of diversity in the US. I was there last week. There is a great belief that the prosperity of Silicon Valley, San Francisco, is based on what Richard Florida refers to as the three T's — technology, talent and tolerance. Each is equally important to me. You will find that many of our friends in the US, to use your words, are disappointed that we have not made enough progress on this issue, because it is

seen very much as a civil rights issue in the US. I have no doubt that many of the companies that I have met would be heartened. It is of interest that, in recent years, it is the large companies and, in some cases, large multinational companies such as Citigroup in this city that have made a strong stance in support of diversity. I have no doubt that they will, in the appropriate time, make their views known.

**Madam Principal Deputy Speaker:** Edwin Poots is not in his place.

### Prison Service/PSNI Equal Pay

T7. **Mr T Buchanan** asked the Minister of Finance, given that, in recent correspondence about pay for those in the Prison Service and the PSNI, he said that he was discussing the matter with the Secretary of State, James Brokenshire, for an update on what progress has been made. (AQT 442/16-21)

**Mr Ó Muilleoir:** I thank the Member for his vigilance and commitment to this issue. I wrote to the Secretary of State, and the ball is in his court in relation to an equal pay settlement for the cohort of workers that you referred to. I have not received a satisfactory answer at this time, but I will certainly keep in touch with him on the issue. As he is aware, there is no obligation in statute on the Executive to make that payment, but I am aware that many Members feel that there is a moral commitment. Unfortunately, moral commitments are not exactly the same.

**Madam Principal Deputy Speaker:** I call Stewart Dickson.

**Mr Dickson:** Thank you very much.

**Madam Principal Deputy Speaker:** Gabh mo leithscéal. Sorry, Mr Dickson. I forgot to call Mr Buchanan for a supplementary. My apologies.

**Mr T Buchanan:** I thank the Minister for his response. Will the Minister give a commitment that, if progress is not made soon with the Secretary of State on finding money for this, he will have further discussions with his Executive colleagues on how funding can be found for this matter?

**Mr Ó Muilleoir:** I admire your doggedness on this issue. The advice, as you know — former Minister Wilson was very firm on this — is that if we open this genie's bottle, we have no idea what it will cost the Executive and whether

there will be retrospective claims from other areas and from other public servants who did receive payments. I will give you this guarantee: I will stay on Mr Brokenshire's case until he has given us the reply that we need on this matter. The ball is firmly in his court, and he needs to step up and give us the answer. He needs to meet his obligations.

2.45 pm

**Madam Principal Deputy Speaker:** I call Stewart Dickson for a very brief question. There will not be much time for an answer, but I want to give you the opportunity to ask a question.

### York Street Interchange

T8. **Mr Dickson** asked the Minister of Finance whether we can be assured that neither he nor the Minister for Infrastructure is playing political football with the York Street interchange project and their Executive colleagues and that they are making genuine efforts to secure the appropriate financing to place the project rightly where it should be. (AQT 443/16-21)

**Madam Principal Deputy Speaker:** A very brief answer, Minister.

**Mr Ó Muilleoir:** I do not want to cry foul, but, as you know, I do not play political football.

**Madam Principal Deputy Speaker:** We now move on to questions —

**Mr McCausland:** On a point of order —

**Madam Principal Deputy Speaker:** No points of order are taken during Question Time.

### Health

**Madam Principal Deputy Speaker:** I call Jonathan Bell, who is not in his place. I call Philip McGuigan, who is not in his place. I call Tom Buchanan, who is in his place.

### ME: Specialist Services

3. **Mr T Buchanan** asked the Minister of Health to outline the specialist services available for people diagnosed with myalgic encephalopathy. (AQO 613/16-21)

**Mrs O'Neill (The Minister of Health):** Since 2013-14, the Health and Social Care Board

(HSCB) has provided funding to the Northern Health and Social Care Trust for a pilot condition management programme with specialist knowledge and expertise in helping people diagnosed with ME. ME patients, as recommended by the National Institute for Health and Care Excellence (NICE), were placed on supported self-management programmes specifically adapted to take into account their unique needs and offering lifestyle advice and coping techniques in 12 sessions. The pilot was successful and is now funded recurrently. A similar model is in place in the Belfast Trust. The Health and Social Care Board is working at present to recruit a regional medical lead for ME, and, when successful, it will consider how best to deliver the specialist ME knowledge and expertise across all remaining health and social care trusts.

**Mr T Buchanan:** I thank the Minister for her response. Does she agree with me that Northern Ireland needs a specialist consultant in the field, given the number now suffering from ME? Will she consider bringing forward someone of that calibre for this condition?

**Mrs O'Neill:** When taking decisions on the way forward, it is important that we evaluate what has been done. The pilot will feed into the evaluation and allow us to assess what is required. Suffice to say, the board is working to recruit a regional medical lead. I think that that answers your question.

It is important that we continue to support those with ME. There has been investment over the past number of years, and it is important that we continue to build on that good work, in the spirit of Delivering Together — our new way of working — and design services that are fit for purpose and meet the needs of those who suffer from ME. When designing those services, we need to listen to patients, carers, families and staff who provide services on the front line.

**Mrs Dobson:** Now that the ice is finally beginning to thaw around support and services for people suffering from chronic illnesses such as ME, what guarantees will the Minister give that the charities fighting so hard will be fully involved in design and delivery?

**Mrs O'Neill:** I am not sure what the Member means when she says that the "ice is ... beginning to thaw", but involving patients, carers, families and service deliverers in the design of services is at the core of the new way forward. The strategic direction, which I have set out, very clearly puts the needs of the

patient at the centre of decision-making. It is really important that people feel ownership, understand why things are done in a certain way and are part of designing the care pathway that they will need to use. As we go forward, the service is very much patient-centred, but, in order for us to be successful in delivering better outcomes, we need to listen to everybody's voice.

**Mr Sheehan:** What condition management programmes are offered to ME patients?

**Mrs O'Neill:** All health and social care trusts offer condition management programmes to help participants with a range of health problems to better understand and manage their conditions. Only the Belfast Trust and the Northern Trust offer specialist programmes for ME patients. Those are 12-week, voluntary, work-focused programmes to help participants with a range of health problems to understand and manage their condition, become engaged in more meaningful activity and return to work or training, either now or in the future. Examples of condition management programme sessions include problem management; assertiveness; building confidence and self-esteem; healthy lifestyle; getting a good night's sleep; stress management; managing low mood and depression; fatigue management; anxiety management; pain management; back care; and what is next after the condition management programme (CMP).

The programmes also receive funding from the Department for Communities and are targeted to persons with a variety of long-term health problems and primarily to those in receipt of health-related benefits.

**Mr Durkan:** The Minister touched on my question at the end of her answer. What ongoing engagement has she had with the Minister for Communities regarding improving the condition management programme?

**Mrs O'Neill:** As I said in the previous answer, the Department for Communities obviously funds those whole areas of work that I set out. That is really important. Going forward with a new-style Programme for Government that is very much outcomes-focused will allow us to work collectively a lot more. I think we will see in the Programme for Government how Departments need to interact. We do not have the luxury of working in silos. We have to work together. For me, the need to coordinate, collaborate and ensure that we design services and support people is key, whether that be

within the health sector or working in conjunction with the community and voluntary sector. I think the Department for Communities and I will have a lot of overlap in how we can support people better. I am looking forward to that.

**Ms Bradshaw:** Minister, I ask you to go back to your original statement on recruitment of a regional medical lead for the Belfast Trust. Given that it has been trying for months to recruit that lead to no avail, will you comment on what your Department is doing to try to address the issue?

**Mrs O'Neill:** As a member of the Health Committee, the Member will be very aware that there are recruitment difficulties right across the piece. It is very difficult to recruit into posts, but we have to keep trying. We cannot just say we have not been successful one time and then give up. We will have to headhunt people where necessary. We have to do absolutely everything we can to attract the right clinicians to support the population here. I am assured that the board, in conjunction with the trust, is doing absolutely everything it can to make sure we recruit someone into that post. I am very happy to update the House on progress on that in the future. I think it is important that we establish that regional medical lead. It will allow us to give confidence to patients that there is regional oversight and one medical lead and that that will filter right across, no matter where you live in the North.

## Ulster Hospital: Delayed Discharges

4. **Mr Chambers** asked the Minister of Health to outline the total number of delayed discharges in the Ulster Hospital in the last 12 months. (AQO 614/16-21)

**Mrs O'Neill:** My Department set the following targets, which set out reasonable timescales for the discharge of patients from hospital. They are that 90% of complex discharges from an acute hospital take place within 48 hours; no complex discharge should take more than seven days; and all non-complex discharges from an acute hospital should take place within six hours. There were a total of 32,288 discharges from the Ulster Hospital in the 12 months from 1 August 2015 to 31 July 2016. Of those, 4,443 did not meet the targets.

The HSCB and PHA regional unscheduled care team has developed a number of work streams to support improvements in patient flow and has been working with the South Eastern Trust to put in place structures and systems to ensure

that discharges occur as soon as medical advice allows to maximise the efficient use of hospital beds and deliver the best use of resources to patients.

The pressures on the health and social care system that contribute to delays in discharging patients from hospitals are further evidence of the need to transform the way we deliver our services. That is why the vision for the future of health and social care services that I set out in 'Health and Wellbeing 2026: Delivering Together' places patients at the centre of service delivery and seeks to reform community and hospital services so that they are organised to provide care when and where it is needed.

**Mr Chambers:** Minister, you previously told me that there were over 17,000 days of discharge delays at the Ulster Hospital, which is an astronomical figure. Can you detail what extra steps your Department and the neighbouring trusts have actually taken to improve the provision of social care places outside the hospital setting? Will the information revealed by today's RQIA report have any bearing or influence on the urgency by which you are going to look at the obvious problem of delayed discharges in the Ulster Hospital?

**Madam Principal Deputy Speaker:** I remind the Member that questions should not be read and that it is one question. The Minister can choose which question to answer.

**Mrs O'Neill:** The RQIA report that has been published is the result of an inspection that was carried out in the Ulster Hospital during a four-day period back in February this year. The report of that inspection has been published today, and the trust now has an obligation to submit a formal quality improvement plan to RQIA to set out how it is going to address the recommendations that have been made and the timescales for completion of any actions. It is important to note that, whilst there are a number of recommendations that must be addressed by the trust, inspectors did not find any issues that required escalation to the trust or the Department. That is important. It is also important to say that, since the inspection was held in February of this year, improvements have already been implemented in a number of areas. The trust was not sitting back and waiting for the report to be published today; it has already been very active in doing whatever it can to deal with the issues highlighted in the inspection.

I was lucky enough to have the opportunity to go to the Ulster Hospital last week and shadow



an ED nurse. To me, those people are absolutely amazing. They are under such pressure and work day and daily to support patients. Their enthusiasm, even though they have all those challenges, was brilliant to see, as was their commitment and dedication. They were telling stories about how, when they were under pressure in wintertime, staff gave up their own time to come in and help out, which is a testament to our healthcare staff. Whilst there are lessons to be learned in the RQIA report — the trust will set out its plan for how it will do that — I am confident that it has been working continuously since that inspection to improve where it could in advance of the report being published.

**Mr Dunne:** I thank the Minister for her answers. We welcome the considerable investment in the Ulster Hospital and the ongoing programme there, which is amazing. We really recognise —

**Madam Principal Deputy Speaker:** Will the Member come to his question, please?

**Mr Dunne:** — the progress that has been made.

My question follows on from the RQIA report that the Minister mentioned. Does she recognise the need to address the shortage of junior doctors and other staff, particularly at weekends and at night?

**Mrs O'Neill:** Yes. The increase in the number of patients that the Ulster Hospital has seen over the last number of years is significant. It is maybe the largest increase in any trust area. That shows the pressure that the hospital is under. That, combined with an ageing population and people presenting with more complex needs, leads to all the challenges that it has.

There are considerable workforce issues across all trust areas, which is why we need a properly targeted workforce plan to attract more junior doctors and the right staff to work in the right areas at the right time. There have been some advancements around advanced nurse practitioners, but how can we use other professionals to complement the whole team? The board and the trust are working on that in relation to the Ulster Hospital. I commend the Ulster Hospital for the work that it has been doing all year and for the improvements that it has made since the inspection. It will continue to do more and make sure that it has first-class services for people who present and need its services.

**Ms S Bradley:** Does the Minister accept that a large number of the delayed discharges are due to the fact that there are insufficient staff and resources for community care packages? What direct action is she planning to deal with that matter?

**Mrs O'Neill:** There is a range of reasons for delayed discharge, including some that are complex. A list would include no capacity among domiciliary care providers; no residential home, nursing home or elderly mentally ill (EMI) beds available; people with more complex conditions needing essential equipment because adaptations to their homes are not complete; and no inpatient palliative care arrangements or home/community-based palliative care arrangements, maybe because not enough suitable step-down beds are available.

There is a combination of factors in delayed discharge. We want to try to improve the whole system. When we talk about the future, we talk about whole system transformation, and these issues will be key to that. If something is not right in the community, it will have an impact on whether people can be discharged, so we have to come at this holistically. That is the plan that we set out in 'Delivering Together', and it is how we will change the whole piece. We cannot concentrate on one element of the system when every other part of the system has a knock-on effect.

**Ms Seeley:** I thank the Minister for her answers so far. She outlined some of the complexities with discharge. Will she outline some of the actions being taken to reduce discharge delays?

**Mrs O'Neill:** The trust is continuing to work to address all the pressures that I outlined. It is working really hard to improve patient flow through the hospital and into the community. Over the past number of years, the trust has been working closely with the board, other trusts, GPs and the south-eastern locality network to develop services in response to pressures on acute services. A number of initiatives have been introduced to help to improve flow and provide services in the community to assist hospital discharge in the north Down area or to avoid admission.

They include things like new discharge models such as the integrated discharge hub, discharge to access model, domiciliary referral hub and a discharge lounge; full utilisation of intermediate care beds; development of an enhanced care-at-home model that provides

higher-intensity care at home for older people; home from hospital domiciliary care pilot; enhanced falls service in partnership with the Ambulance Service; additional clinical staffing to manage periods of peak demand in the emergency department and across the whole hospital site; additional multidisciplinary staff support including extended weekend and evening pharmacy, diagnostic, social work and allied health professionals; and multidisciplinary teams established to expedite the discharge of people with complex needs.

I recognise that there are pressures in domiciliary care and the wider support system. That is why we will bring forward in March next year the reform of adult social care, which is currently being developed with proposals for reform to ensure that we have an effective and sustainable system of care and support in the future. As outlined in my vision, I am committed to ensuring that I consult on the reform proposals in March or April of next year.

**3.00 pm**

### **Health Trusts: Mileage Policy**

**5. Mr Clarke** asked the Minister of Health whether she has any plans to review the mileage policy in relation to essential car users in health and social care trusts. (AQO 615/16-21)

**Mrs O'Neill:** The mileage rates are not set by me; they are set by the management and staff side representatives from England, Scotland and the North of Ireland in partnership through the NHS Staff Council. The council reviews the rates twice a year on the basis of the motoring costs that are published by the AA, in order that they can be moved up or down in line with the current motoring costs. All HSC employees are reimbursed for miles travelled in the performance of their duties that are in excess of the home to agreed work base return journey. Normally, the miles eligible for reimbursement are those travelled from the agreed work base and back. The current rate of reimbursement for privately owned cars is 56p per mile up to 3,500 annual miles and 20p per mile thereafter.

**Mr Clarke:** I thank the Minister for that answer. I put on record my disappointment that the Minister would not meet me to discuss the issue. Given that some people, particularly those in the crisis team, travel well in excess of 10,000 miles per year, which drops them to 20p per mile, does the Minister agree that it is unfortunate that those who work in that difficult circumstance, covering most parts of Northern

Ireland, actually subsidise the health service by using their own cars?

**Mrs O'Neill:** I thank the Member for his question. I have so many requests for meetings that I could not possibly meet everybody, but I gave consideration to your letter. You wrote to me on the issue at some stage in the past. It is important that staff are supported; it is really important that they are supported to do their job well. That was key in Delivering Together and how we go forward. We have to support our staff; they are the biggest asset of the health service.

In relation to the policy around the mileage, it is not something that I set. I could give it consideration if it was something that I set. Perhaps, if we had that power devolved and it was in my capability, I could do something about it. The Member has raised the issue that he is concerned about rural workers, and that is a legitimate concern. I will not be found wanting in my support for those staff, if there is ever an opportunity for me to feed into the policy development. Obviously, with the AA setting the rates, it is difficult to step outside that. It is also not something that I am being lobbied about by unions, for example, who are part of the staff side negotiation, but let us keep it under review. I want to do everything I can to support the staff out there who do excellent work, and I particularly understand the challenges for those who work and look after people in rural areas.

**Ms Dillon:** Will the Minister advise when the last review was carried out?

**Mrs O'Neill:** In line with the collective agreement, a review of mileage rates was conducted in November 2015 using AA information on fuel prices over a 12-month period ending in October 2015. It was found at the time that fuel price changes were insufficient to trigger a change in the mileage rates as there was no change to the mileage rates in use across the HSC. It was not possible for a review to be carried out in May 2016 as intended, as the AA had not published updated information on fuel costs. As an interim measure, the NHS Staff Council put forward a proposal that, if there is a change in rates following the next review in November 2016 — this month — the change would not be backdated, avoiding the need for either the recovery of overpayments if the rate goes down or the calculation of arrears for reimbursement should rates go up. The HSC joint negotiation forum's executive committee agreed the proposal at its 25 July meeting this year.

**Mr McGlone:** Mo bhuíochas leis an Aire as na freagraí. The issue around discharges was referred to earlier, and part of the problem for discharges is the lack of available domiciliary care provider packages. What input does the Minister have to ensure consistency of terms and conditions of employment, including mileage, in the independent domiciliary care provider sector, which is leading to problems with discharges?

**Mrs O'Neill:** I agree with the Member on the previous question, when the problem of being unable to secure proper domiciliary care packages was highlighted. The Member will also know that, on many occasions, I have said in the House that domiciliary care workers are the backbone of the health service. The workforce is predominantly female, they are the lowest paid in the health service, and, when they pay for their mileage out of their own wages, their wages go down even further.

I am about to take receipt of a review of domiciliary care, and I look forward to delving into it. More domiciliary care workers should be employed in-house in the health service. We have a relationship with the independent sector, where the majority of domiciliary care workers are employed, and quite often they do not receive payment for mileage. That leads to problems with recruitment, particularly in rural areas. People cannot go out because they are already on a low wage and the cost of mileage brings it down even further.

We can do more. Along with the domiciliary care review and the adult social care review that we will have next year I want to see a changing picture where we have more domiciliary care workers employed by trusts. We should, as far as possible, employ the majority of them. It may not be possible for financial reasons, but I certainly want to change the current picture, where the majority are outside the health service and the minority are inside it.

**Mr Smith:** I thank the Minister for her clarification of mileage rates for domiciliary care staff, and I welcome the fact that a review is under way. Can the Minister confirm that she supports domiciliary care staff being reimbursed for mileage? Can she also confirm that she has lobbied hard, and will she tell me what she has put in place to ensure that contractors are forced to reimburse their staff fairly?

**Mrs O'Neill:** I am in constant conversation with the Finance Minister about procurement and how we can secure better terms and conditions

when we have to go to the independent sector. If we are serious about supporting the lowest-paid workers in our society, we should ensure that, when we procure services, we do them justice by making sure they are part of the contract. Obviously, we are in a difficult financial situation, and domiciliary care provision is fragile at times. We need to ensure that we do it in a proper and planned way. I am absolutely supportive of domiciliary care workers receiving a fair wage for the work that they do.

## **Primary and Community Care: South Belfast**

6. **Ms Hanna** asked the Minister of Health whether the Health and Social Care Board plans to commission a consultation on the direction for primary and community care infrastructure in South Belfast. (AQO 616/16-21)

**Mrs O'Neill:** Neither the Health and Social Care Board (HSCB) nor the Belfast Trust has any current plans for major primary and community care infrastructure developments in south Belfast that require consultation. The Health and Social Care Board is aware that a number of GP practices in south Belfast have been approached by a developer who intends to redevelop the King's Hall site at Balmoral. Some GP practices have verbally expressed an interest in moving to the new site, but, to date, only one proposal has been submitted to the HSCB to relocate.

The extent of consultation required by the HSCB will depend on how many practices make an application to relocate. If further proposals are received from other GP practices in the south Belfast area, this is likely to impact more than the relocation of one practice and, therefore, additional consultation would be likely. The process would include seeking the views of patients and local communities through letters to patients and focus groups to assess impact, including in relation to section 75 groups, and to understand issues and how to mitigate them.

**Ms Hanna:** I thank the Minister for her answer. She will be aware of the proposals for a major private healthcare park in south Belfast. Could she confirm that her Department has not had contact with the developer, and does she agree that a population plan will be required to make any reasonable decision on the proposal?

**Mrs O'Neill:** I personally have not had any engagement with private providers. I am

obviously aware of the situation and aware that one GP has expressed an interest; they want to go. If you are going to have a wholesale move to that site, it is really important that we consult people so that they understand and are on board and think it is the right thing to do. If we are going to plan services together, we have to have that consultation.

The patients' voice needs to be heard as does the local elected representatives', and everybody needs to be part of the conversation. To date, only one GP has expressed an interest in relocating. It is obviously a decision for the others, but they would have to come through a consultation process and they would have to approach the board. I do not envisage that anything will happen in a haphazard way. It will have to be a planned, managed change, if there was going to be a change.

**Mr Middleton:** I thank the Minister for her answers so far. Can the Minister outline whether she plans to follow through on the previous Minister's plans for the Health and Social Care Board?

**Mrs O'Neill:** I can. I have said that the board will close, but I want to do that in such a way that staff are informed and brought along on the journey. There are opportunities for us to streamline how we do things. I set out that 'Delivering Together' was all about changing systems, but there are some structures that needed to change, and the board was one of them, and there was plenty of consultation on it. The board will close, and, over the next number of weeks, I intend to engage directly with board staff about what will go where.

There are two things that we need to have a strong focus on: performance management and financial issues. Alongside that we need regional oversight. We could elaborate on the work that the PHA does and incorporate it there, but I want to talk to staff first. I owe them the courtesy of talking about their future and where they will be moving. For some time, they have been sitting in limbo waiting to see what happens next. I want to talk to them, but I will keep the Health Committee informed about what happens next. It is my intention to move on that immediately and talk to board staff to bring them up to speed.

**Mr Kearney:** Míle buíochas duit, a Aire, as ucht na bhfreagraí go dtí seo. Minister, what other primary-care infrastructure projects do you have in place at this point?

**Mrs O'Neill:** As well as the pilot projects in Lisburn and Newry, the new centre in Omagh is progressing really well; that is part of the Omagh local hospital project, which had an overall capital investment of £85 million. The new health and care centre opened in Banbridge in January of this year at a capital cost of £16.5 million, and a new £25 million health and care centre opened in Ballymena in February of this year. Both schemes were funded by traditional capital.

Whilst work on the development of business cases for new projects has been temporarily paused pending the evaluation of the Lisburn and Newry projects, the Health and Social Care Board has commenced work on the preparation of a regional services needs analysis for respective trusts' local commissioning group areas that will inform decisions regarding the future infrastructure requirements in each area.

## Health: All-Ireland Approaches

7. **Mr McElduff** asked the Minister of Health for an update on the progress being made in identifying further potential for all-Ireland approaches to health. (AQO 617/16-21)

**Mrs O'Neill:** The main opportunity for further all-Ireland collaboration is in the delivery of health services and rests in the total size of the population on the island. Increasingly, medical specialities require relatively large population groups in order to meet clinical standards that require higher numbers of procedures to be carried out by clinicians in order to deliver better outcomes for patients. When we look at the population across the island, it is clear that we have a sustainable population base on which to provide many of those specialist services.

In addition, the opportunity to combine North/South investment means that we can better afford new health service developments. For example, we have committed together over £100m to deliver children's congenital heart disease services, through an all-island network, and radiotherapy services in Derry for cancer patients from the north-west.

My Department has carried out initial scoping of further opportunities that allows us to build on the current work programme to deliver better health and well-being outcomes for people across Ireland.

I intend to discuss these further opportunities with Minister Harris at our next North/South health and food safety sectoral meeting, which is tomorrow. Our initial scoping has identified

opportunities for collaborative working in specialities such as human organ transplantation, services for people who have rare diseases, the emerging field of genomic medicine, a networked approach to major trauma, and, in mental health, particularly in respect of perinatal mental health, eating disorder services, and services for children and young people.

I want to commend the substantial work that has been done by the health authorities, North and South, to date and to state my commitment to support them to take their efforts to the next level. At the heart of this collaboration is putting the interests of patients first and foremost by delivering safe, high-quality health services that will provide mutual benefits for patients, North and South.

**Mr McElduff:** I ask the Minister whether she and her Department are identifying potential new areas for North/South cooperation in this matter?

**3.15 pm**

**Madam Principal Deputy Speaker:** Can the Minister give a brief answer?

**Mrs O'Neill:** Yes, I can. I look forward to speaking to Minister Harris about that tomorrow. I set out some of the really good work that has already happened, but I think that there is so much more scope and opportunity, particularly with mental health, perinatal mental health and children and young people's services. I think that there is scope there. When Minister Harris and I agree a formal programme for scoping out those areas, I will be very happy to update the House on the work that we will take forward.

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

## South West Acute Hospital

T1. **Mr McPhillips** asked the Minister of Health for an update on the future of the South West Acute Hospital in Enniskillen, especially in relation to acute services, stroke services and the recruitment of staff. (AQT 446/16-21)

**Mrs O'Neill:** First, I put on record my thanks to the wonderful staff at the South West Acute Hospital (SWAH) who provide brilliant services every day. I know that the management, the Department, the Western Trust and all the

agencies involved are working really hard to make sure that we develop services.

As for the direction of travel for some of the areas, there is so much scope in the South West Acute Hospital. Service transformation will provide major opportunities for the hospital, but we are all aware of the challenges we face, including with recruitment and retention. We have to address those challenges, which is why we will do some work on workforce planning. There are also great opportunities now that Ulster University has produced its strategic outline business case looking at proposals to create a new medical school in the north-west. All those things combined mean that there is a positive picture for the future of the South West Acute Hospital.

**Mr McPhillips:** Thanks to the Minister for her answers so far. She will be aware of a letter that she sent to the chief executive of Fermanagh and Omagh District Council that states that she cannot force:

*"junior doctors to locations that are unpopular due to geographical remoteness, weak training experience or lack a supportive environment".*

**Madam Principal Deputy Speaker:** Can the Member come to his question, please?

**Mr McPhillips:** Will the Minister clarify those comments? Does she accept that they will be seen by many as pre-empting the closure of acute services in SWAH?

**Mrs O'Neill:** The short answer is no. It is unhelpful, to say the least, for the Member to try to grab a cheap headline in his local papers for one week in a way that lets staff feel that their jobs will be in jeopardy and that makes patients feel that their services will be in jeopardy, when, very clearly, transformation points to the need to specialise and to the fact that there are opportunities for the South West Acute Hospital, which is not, indeed, what the Member suggested will be the case. I suggest having a wee bit of positivity and support for the staff who work really hard. I think that it is really unhelpful to take the approach that you have taken for a cheap headline.

As we go forward, I have set out some of the areas where I think that there is real potential. The fact that Ulster University is looking at developing a medical school in the area shows that there is a commitment to the long-term future of attracting staff into the area. There are, of course, challenges in attracting staff into

the area; that has been known for many years. There is, however, a workforce issue right across the piece.

Let us look at other ways. Just because one way that was suggested is not the way that I think that we need to go does not mean that there are no other ways to do it. The fact is that a training school will be up there, and evidence shows that medical staff will stay where they are trained. There is a body of evidence to show that. If, instead of getting cheap headlines, we do all those things, are positive, work in partnership and support the highly trained and dedicated medical staff, clinicians and all the people who work up there, the people of the area would be better served.

**Madam Principal Deputy Speaker:** Question 2 has been withdrawn. I call Roy Beggs.

**Mr Beggs:** The Northern Ireland Audit Office published a report today on emergency hospital administration. It indicates that some 1,700 patients remained in hospital for more than a week when they were ready for home. It also highlighted that Antrim hospital —

**Madam Principal Deputy Speaker:** Can the Member come to his question, please?

**Mr Beggs:** — has as many as 37% of patients who were not seen within four hours.

### **Hospitals: Delayed Discharges**

T3. **Mr Beggs** asked the Minister of Health to advise how delayed discharge is adversely affecting our hospitals and A&E departments and to state what she is doing about it. (AQT 448/16-21)

**Mrs O'Neill:** I think that I answered that question during Question Time, but I will comment on the delayed discharges. The Audit Office report that was published today clearly sets out the figures that the Member referred to.

The most common reasons for delayed discharge vary in each trust; there are different reasons in different trust areas. I set out them out previously. They include capacity in domiciliary care, care planning being incomplete and no nursing beds being available. All those things lead to delayed discharges.

The report has been published, and lessons are always learnt. It is really important that trusts continue to do absolutely everything they can to

avoid delayed discharges. I think they are trying to do everything they can. New initiatives are being looked at for how they can do that; for example, can they have a discharge area that people could be moved to? There are all sorts of issues. There could be family issues or people not being picked up in time. There is a whole raft of reasons. It is important we improve discharges so that we can allow the flow across hospitals to be as effective as possible, we are not blocking beds and staff are not frustrated by all that. I think the Audit Office's report allows us to learn lessons.

**Mr Beggs:** The report also highlighted the need to enable GPs and other healthcare professionals to provide additional services locally. Does the Minister recognise the benefits of developing modern healthcare and well-being centres in areas such as Larne and Carrickfergus? What capital and resources are going to be committed to enable local GPs and other healthcare practitioners to deliver that?

**Madam Principal Deputy Speaker:** The Minister can choose which question to answer.

**Mrs O'Neill:** It is really important that we invest in primary care. Very clearly, what I set out last week or the week before in 'Delivering Together' shows how we are going to plan services for the future. We have to do that collectively, and we have to do it holistically. You cannot look at one element of the health service on its own; you have to look at the whole thing in the round. If we are to be successful in dealing with blockages in hospitals and increased numbers going into hospitals, hospitals should absolutely be the last port of call and services should be available in local communities.

To transform the system, that is where we have to invest. I have clearly set out my stall about the fact that I will do that. Only then will people feel confident with and feel they have ownership of the new models. That includes things like acute care at home, which allows people to stay in their home more and have the support they need there. We need to do a lot more of that. We also need to invest in primary care and our GPs, and I clearly set out how we will do that. We are going to have a named health visitor, social worker and district nurse working with every GP practice. That will change the whole picture of primary care.

We are not going to achieve all those things overnight, but with a fair wind and people really working together and being true to partnership and collaboration, I think we will see a very

different picture in primary care. That will help patients to achieve better outcomes, avoid unnecessary admissions to hospital and obviously help with the flow throughout our hospitals.

## **Bengoa Report: Service Reconfiguration**

T4. **Ms Archibald** asked the Minister of Health when she intends to consult on Professor Bengoa's criteria for service reconfiguration. (AQT 449/16-21)

**Mrs O'Neill:** In the statement I made to the Chamber on 25 October, I announced that I would publicly consult on the criteria. The consultation will begin this week and run through to early January 2017. Patients, service users and all stakeholders will have the opportunity to submit their views in writing on the criteria.

I have to say that I have been encouraged by the positive response to my vision to date. Delivering Together has received quite a lot of positive feedback, and I want to make sure that absolutely everyone has their say on the criteria for assessing the sustainability of health and social care services, which, if adopted by my Department, will be at the heart of informing future decisions to be taken about reconfiguring HSC services. Therefore, I urge everybody who has a stake in ensuring that we build a sustainable health and social care system to respond to the consultation and make sure their views are heard. I will certainly take all those views on board before finalising my Department's future policy on the criteria as they stand.

**Ms Archibald:** I thank the Minister for her response. That is very positive. Will the consultation also include public meetings so that people can make contributions in that way?

**Mrs O'Neill:** Yes, I am going to do that. As part of the process, there will be a series of public meetings; there will be consultations right across the North. That will be a real opportunity for people to put forward their views, as well as providing a forum to allow people to ask questions on the criteria and engage directly with the transformation team officials from my Department. I will release details of the consultation meetings, including venues and times, by week commencing 14 November.

## **Dalriada Pathfinder/Living Well Moyle**

**Mr McGuigan:** A Phríomh-LeasCheann Comhairle, I begin by apologising to you and the Minister for not being in my place when I was called earlier.

T5. **Mr McGuigan** asked the Minister of Health for her assessment for the potential of the Dalriada pathfinder project and the Living Well Moyle project in assisting community well-being and health for the people of Ballycastle and the surrounding areas. (AQT 450/16-21)

**Mrs O'Neill:** I absolutely recognise the positive benefits of the Living Well model with its focus on health and well-being outcomes for individuals, and also the role that the local community plays in helping to achieve those outcomes. Living Well Moyle, which was established by the Dalriada pathfinder group, aims to improve people's health and well-being and their experience of health and social care, as well as reducing care and support. The pilot will employ a community navigator to work with service users to identify health and well-being outcomes and who will then work with the local community to identify how existing community resources can help achieve those outcomes.

It is anticipated that the service will deliver improved outcomes for people using the service as well as savings to the HSC. This is exactly the type of project that I want to see developed and explored. I want to see innovative new ways of working being tested and, where projects produce good outcomes for people using services, I want to see those being scaled up. This is a key commitment in my vision for the HSC, and I intend to take that forward.

**Mr McGuigan:** I thank the Minister for her enthusiastic endorsement of the project. Does she intend to be at the launch later this month?

**Mrs O'Neill:** Yes, I am looking forward to attending the launch on 30 November. The aims of the model, including prevention and the promotion of empowerment and well-being, are very much in line with the direction in which we need to go in transforming the HSC, as I outlined in 'Delivering Together'. I have always said that if something works well we should scale it up and do more of it, so I am really looking forward to getting out to take a look for myself to see how effective this is and to listen to people and engage, because sometimes when you read about something and then actually go to visit it and see it for yourself, it comes alive a lot more.

**Madam Principal Deputy Speaker:** I am finding it a bit difficult to hear the Minister. I ask

Members to refrain from speaking, or else leave the Chamber.

## Paediatric Cardiac Surgery

T6. **Mr Swann** asked the Minister of Health for an update on how the £42 million for paediatric cardiac surgery that was announced on 4 July 2016 is being spent, given that she referred earlier to all-island health models, with paediatric cardiac surgery already an agreed model for all-island health. (AQT 451/16-21)

**Mrs O'Neill:** I know that the Member has a keen interest in the issue. The announcement was a positive one that allows families to stay on the island of Ireland when they need to have treatment. Often, the surgery is significant, and people have to leave their families, and perhaps kids, behind and go to England. It is really important that we do all we can to support those families. This is a practical example of all-island collaboration.

A lot of good progress is being made to establish the appropriate structures, and securing the necessary funds was obviously a key part of that. I am also very conscious that we remain reliant on the majority of urgent and elective procedures for local children being carried out in England, so we have a few years before we get to full capacity. It is important that we continue to push forward progress on the surgical side to allow us to have those surgeries on the island as quickly as possible. In the interim, the Belfast Trust continues to operate a service level agreement with Our Lady's Children's Hospital in Dublin.

The progress is great, and you mentioned the figure in relation to the spend to date. I do not know what that figure is off the top of my head, but I am happy to provide it to you. I am most interested in getting to full capacity as quickly as possible and that nobody has to travel unnecessarily to receive the treatment. I can only imagine, as a parent, what that would be like. We need to continue to push that project forward. It is a really good example of all-island collaboration, and I want to do a lot more of it to support families.

**Mr Swann:** I thank the Minister, as a parent who has made that journey. The capacity of Our Lady of Lourdes in Crumlin seems to be one of the limiting factors in getting this model up and running. Can the Minister give us any update on how she is progressing that with Minister Harris and when we will see the outcome?

**Mrs O'Neill:** I can, and I will be in a better position to update the Member after I meet Minister Harris tomorrow, as this will be one of the areas that we will be discussing at the North/South Ministerial Council in relation to progress to date and what the challenges and barriers are. We have set out our stall on the phased basis, but there are capacity issues in the hospital in Dublin. That was all part of the plan; we knew that. As quickly as I can possibly get to the stage where we are providing full capacity on the island for families such as yours, it will be a true positive outcome.

I am committed to making sure that we do everything we can, working with the Children's Heartbeat Trust, because families come together to talk about, and share, experiences and lobby for the service to happen. I will continue to keep in touch with the Member on this.

**Madam Principal Deputy Speaker:** Iarraim ar Declan Kearney. I call Declan Kearney for a very brief topical question.

## Mental Ill Health: Prisons/Youth Justice System

T7. **Mr Kearney** asked the Minister of Health for an assessment of the mental ill health problems in our prisons and youth justice system. (AQT 452/16-21)

3.30 pm

**Madam Principal Deputy Speaker:** May we have a very brief answer?

**Mrs O'Neill:** I will try to summarise. Recent incidents underline the need to address the mental health problems that exist in our prisons. I have said that mental health will be a priority for me, and I am considering a number of policy proposals, but, in the interests of time, I will write to the Member to give him a more detailed breakdown of the assessment.

**Madam Principal Deputy Speaker:** I thank the Minister for that. That concludes Question Time.

**Mr McCausland:** On a point of order, Madam Principal Deputy Speaker. May I ask that the Speaker review Question Time today in Hansard? Some Members were permitted to preface and contextualise their question with a couple of sentences without interruption, some Members managed it with interruption and some of us were interrupted in the first



sentence. I therefore ask that the Speaker review Hansard with a view to us having more consistency in how these matters are dealt with. It is important to be able to contextualise questions, and that is why Members right across the Chamber do so.

**Madam Principal Deputy Speaker:** I will certainly be asking the Speaker to review today's Hansard. The Member knows full well that the Speaker's ruling is final on all questions of procedure and order and that, when in the Chair, Deputy Speakers and the Principal Deputy Speaker have the same authority. Let us move on.

**Mr Lyttle:** On a point of order, Principal Deputy Speaker. You may be aware of an increasing perception that the Executive will do whatever they can to evade the accountability of the Assembly. It is, I presume, the role of the Speaker to assist us to achieve such accountability, so I am at a total loss as to why the Speaker rejected my request today for a question for urgent oral answer to the Education Minister on what action he has taken to avert teacher industrial action in our community. We have the bizarre situation in which the Education Minister has given interviews to the media in the Great Hall of this Building but no statement to the Assembly on this urgent issue. I ask the Speaker —

**Madam Principal Deputy Speaker:** May I interrupt the Member, please? Decisions on questions for urgent oral answer are a matter for the Speaker. It is not in order to challenge them. Let us move on.

**Mr Lyttle:** Principal Deputy Speaker, may I request some guidance on what constitutes a question for urgent oral answer, given that I can see no more urgent issue than the one facing our schools at this time?

**Madam Principal Deputy Speaker:** The Member is an experienced Member of the House, and he is very aware that all he needs to do is go to the Business Office, which is very accessible. Let us move on.

## Private Members' Business

### Ending All Forms of Paramilitarism

*Debate resumed on motion, as amended:*

*That this Assembly believes that, 18 years after the Good Friday Agreement, all paramilitary organisations should have ceased to exist; notes the Fresh Start panel report on the 'Disbandment of Paramilitary Groups' and the publication of an Executive action plan; and calls on the First Minister and deputy First Minister and the Minister of Justice to ensure the full and robust implementation of all 43 recommendations in a manner that aligns resources with needs, is prompt and innovative, engages and empowers communities, builds unequivocal commitment to the rule of law, supports transition, tackles criminality and that addresses the systemic issues that perpetuate paramilitarism, criminality and organised crime.*

*Main Question, as amended, put and agreed to.*

*Resolved:*

*That this Assembly believes that, 18 years after the Good Friday Agreement, all paramilitary organisations should have ceased to exist; notes the Fresh Start panel report on the 'Disbandment of Paramilitary Groups' and the publication of an Executive action plan; and calls on the First Minister and deputy First Minister and the Minister of Justice to ensure the full and robust implementation of all 43 recommendations in a manner that aligns resources with needs, is prompt and innovative, engages and empowers communities, builds unequivocal commitment to the rule of law, supports transition, tackles criminality and that addresses the systemic issues that perpetuate paramilitarism, criminality and organised crime.*

### Legacy Inquests

**Madam Principal Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. Two amendments have been selected and are published on the Marshalled List, so an additional 15 minutes has been added to the total time. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. The proposer of each amendment will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes. Before we begin, the House should

note that the amendments are mutually exclusive, so, if amendment No 1 is made, the Question will not be put on amendment No 2.

**Mr Kearney:** I beg to move

*That this Assembly endorses the five-year plan, advanced by the Lord Chief Justice in consultation with victims' families, to deal with the backlog in legacy inquests; and calls on the British Government, in recognition of their obligations under article 2 of the European Convention on Human Rights, to provide the funding required.*

Members, yesterday we had a very temperate debate and agreed a motion on addressing the past. I hope that we can achieve a similar consensus on the motion this afternoon. It has been drafted to try to achieve that objective. Unfortunately, the amendments tabled distract from achieving the desired and required consensus.

In October 2015, the Assembly debated a Sinn Féin motion that called for our coronial court system to be resourced to function in a timely and effective way and to address outstanding legacy inquests. There was agreement during that debate that victims' families deserved the support of our local political institutions in having access to the necessary coronial mechanisms, with properly resourced legacy inquests key to that. In the previous 10 years, only 13 legacy inquests had been heard.

Later, in November 2015, the Fresh Start Agreement approved a framework to deal with the past, including addressing the issue of legacy inquests. The Fresh Start Agreement created the potential for victims to effectively pursue truth recovery and justice for their relatives. Importantly, it opened the door of hope for victims' families. However, during those negotiations, the British Government withdrew the political commitment that they made the previous year, 2014, to ensure that there would be maximum information disclosure to families. They insisted on having a national security veto, and they refused to draft the appropriate enabling legislation. That is the reason for the current impasse on legacy issues, and, unfortunately, it is directly attributable to the negative influence of the Ministry of Defence and the security services over this British Government's policy. The effect of all of that has been to compound families' disappointment and anger. The impact of the veto and the associated impasse affects all sections of our community, nationalist and unionist.

**Mr Ford:** Will the Member give way?

**Mr Kearney:** Not at the moment.

Over one year since that October 2015 debate and the Fresh Start Agreement, victims' families are still being failed, and for no good reason. Sinn Féin submitted proposals on how to address and end the impasse, and the British Government should answer publicly now why they reject that template. National security is a smokescreen. There is no arguable way in which the disclosure of information about the actions of state forces or agents 20, 30 or 40 years ago could in any way undermine British national security in the present day's geopolitical context.

I hope today that a similar consensus can emerge from this debate in support of the Lord Chief Justice's plan to deal with the backlog of legacy inquests and in calling on the British Government to recognise their obligations and release the required funding. Victims currently have no option other than to pursue the truth individually through the courts. The only article 2-compliant mechanism that exists in the North and is available to them is the legacy inquest, and there are now 56 legacy cases relating to 97 deaths, representing citizens from nationalist and unionist backgrounds, including groups such as the Ballymurphy massacre families and the Kelly's bar families.

Last February, the Lord Chief Justice proposed to fast-track these cases, which date back 45 years to 1971. He believes that, with PSNI and MoD cooperation and the release of the necessary funding, that could be completed in five years. The Lord Chief Justice has requested £25 million in immediate funding, which he suggested could come from the £150 million politically committed by the British Government in 2014 to address dealing with the past. The British Government, however, are now blocking this approach by refusing to release those funds.

**Mr Ford:** Will the Member give way?

**Mr Kearney:** Not at the moment. I have a lot to say, but, if I have time, I will. I will talk to you later.

The British Government are using the DUP refusal to discuss the proposal at the Executive as a bogus excuse for doing so. The stance adopted by the British Government is an absolute disgrace because, regardless of the political disagreements in the Chamber and the Assembly or the disagreements in the

Executive, the British Government have an international obligation to ensure timely and effective investigations into legacy issues that are compliant with article 2 of the European Convention. That is not an optional extra.

I charge that, after 45 years, it is well past time for the British Government to ensure that the coronial system here is capable of satisfying its article 2 obligations.

As the Lord Chief Justice reminded us in September, the pressing need to make progress was recognised by the Committee of Ministers of the Council of Europe. Its last report said that it was essential for the British Government to take all necessary measures to ensure that the legacy system here was properly resourced and staffed to enable investigations to be completed. Now, the Lord Chief Justice has engaged extensively on his proposals. Experts like Nils Muižnieks, the Council of Europe Commissioner for Human Rights, and Pablo de Greiff, the UN Special Rapporteur on human rights, have advised on the principles that should underpin article 2-compliant legacy inquests here. Importantly, the Lord Chief Justice has also engaged with victims' families. His approach has helped to restore a level of confidence in our justice system here in the North. To paraphrase Sammy Douglas yesterday, the Lord Chief Justice's proposals actually help to restore and not defer hope. He has found a solution to the crisis facing our coronial system and the lack of available legacy inquests.

The motion seeks cross-party endorsement of the Lord Chief Justice's plan and for the British Government to comply with their article 2 obligations. The effective blocking of the Lord Chief Justice's proposals by the Government is wrong — quite simply, wrong. It constitutes malign political interference in developing a resourced and article 2-compliant coronial system here. That is why more than 30 families from nationalist and unionist backgrounds are now taking legal action against the British Government's refusal to meet their human rights obligations. It is offensive to human and democratic rights that those families have to go to court to secure access to legacy inquests. I can think of no other democratic society where that would have to happen. That shocking reality ought to concentrate the collective mind of the Assembly today. We should show cross-party political leadership on the issue.

Members, in today's debate, we should avoid the temptation to indulge in point-scoring, political recrimination and "whataboutery" [Laughter.] In case the naysayers at the other

end of the Chamber did not know, the reality is that the blame game is a dead-end street. We all know that we do not agree on the past. We have rehearsed our multiple narratives — you have your narratives also — many times before. However, we owe it to the families being denied legacy inquests to show that there is the potential for a resolution of the issues that can transcend political differences. As more time passes, family members are beginning to die. Important witness evidence is being lost. Another generation is being denied closure, and that, Members, is not a laughing matter.

The Lord Chief Justice's proposals are a road map to the solution. Failure to agree is to fail the families once again. We should unite in bringing pressure to bear on the British Government to release the funds and meet their obligations. Yes, that will test the commitment of the state and its agencies to dealing with the past, but that is not what the motion is about; it is about information recovery and justice. It is about speaking truth to power. As the families have told me, legacy inquests should be treated as a free-standing issue.

This is about restoring confidence in the justice system here in the North. In conclusion, I quote directly some of the words of Lord Chief Justice Declan Morgan:

*"We need to deal effectively with our past ... We cannot do that if we leave any section of our society behind. ... We cannot move on while we remain under the shadow of the past. Nor should we. But time is not on our side."*

As I have said, time is not on the side of victims' families. Movement on legacy inquests is urgently required.

**Madam Principal Deputy Speaker:** Will the Member bring his remarks to a close?

**Mr Kearney:** That is what the families deserve, and that is what we, collectively, should deliver.

**3.45 pm**

**Mr Beattie:** I beg to move amendment No 1:

*Leave out all after "Assembly" and insert*

*"notes the five-year plan, advanced by the Lord Chief Justice in consultation with victims' families, to deal with the backlog in legacy inquests; cautions against a continued hierarchy of investigations; further notes that the closure of the Historical Enquiries Team has*

*left a large number of people without access to any review or investigation into their loved one's murder; and calls on the Executive to bring forward proposals that are fair, balanced, impartial and proportionate."*

It is interesting: I am sitting across the room from Mr Kearney, and, at one time, we would have been physical enemies; now we are probably just political adversaries. The only thing we fire at each other is insults, which is a darned sight better than bullets. I am absolutely clear that you are passionate about getting justice for the people you represent and all people in Northern Ireland, and I hope you can look at me and see that I am exactly the same and want to get justice as well. We have been able to move on, but many of the victims, not just those who are looking for legacy inquests, have not been able to move on and have not been given justice. This is an important debate, and I acknowledge that.

The problem is, in Northern Ireland, we have politically entrenched positions, where our views are intractable. You are looking at one narrative — you have explained that — and I am possibly looking at a different narrative. That creates issues.

**Ms Dillon:** Go raibh maith agat. I appreciate you giving way. Giving justice to one family, one set of families or one set of victims does not remove the opportunity for other victims to get justice. The debate is not about getting justice for one so that nobody else can get it; it is about dealing with this issue. That is something that needs to be addressed in the Chamber. We are not talking about justice for one against another; it is justice for everybody.

**Madam Principal Deputy Speaker:** I ask all Members to make their comments through the Chair.

**Mr Beattie:** I cannot disagree with that. You are absolutely right: it is justice for everybody. If it is not justice for everybody, what is the point?

There needs to be clarity and a little bit of lateral thinking if we are to get away from the intractable positions that we are in. We will lead victims down a cul-de-sac, and I am fearful of leading them down a cul-de-sac once again. Some will think that the issue is simply the state not giving up information because, they say, of national security. In some cases, the state is absolutely right not to give information if it will cause the death of an individual — we have seen that — or where there is an issue of

national security. However, if it is not giving information to save its blushes and embarrassment, it should give it. Everybody is accountable. Soldiers are accountable for their actions in Northern Ireland, and, if they go outside the law, they should be held to account, as should paramilitaries and terrorists. I have said that on many occasions, but there are mechanisms that help release the information to help with some of the inquiries.

Some will say that the stumbling block is purely that the Westminster Government will not release the funding for the legacy inquiries. I sat with the Ballymurphy families and listened to their testimony. It was a harrowing testimony. I did not feel comfortable when I left the room having heard it, but it was important to hear it. They asked the Secretary of State very clearly, "Will you release the money?". He said, "If the Executive ask me for the money, I will release it". That is what he said, and he said it on three occasions. This will help to bring clarity: let the Executive make a statement on where the issue lies that prevents them from asking for the money. If somebody is blocking it —

**Mr Kelly:** Will the Member give way?

**Mr Beattie:** I cannot, sorry.

If somebody is blocking it, bring it out so that we all understand what the issue is. I think I know what the issue is, and, on that, I probably sit with the DUP in many ways. The stumbling block is equality and parity and getting a system that is balanced, fair, impartial and appropriate for everybody. A lot of people see the legacy inquiry as something that gives a leg-up to one group while pushing the other group to the side. That might be a perspective, but, out in society, that is what people see.

To be article 2 compliant does not mean that you have to have a legacy inquest; it says that you have to have an independent investigation or inquiry. That is what it states; that is what you need, especially if a state actor has been involved. However, state actors were involved pretty much in every death during the Troubles. In July 1983, four UDR soldiers were killed when their unarmoured vehicle went over a mine. The state failed to protect them. Why are they not on the list of legacy inquests? In the Shankill bombing, it is thought that Stakeknife was involved. He was a UK human intelligence source, so there may have been state involvement. Why is that not on the list of legacy inquests? We can probably say that in

an awful lot of cases. That is why I say that we need lateral thinking on how we get round it.

Each side is entrenched. We are entrenched in our position that everybody should get an equal shout at this, and others are saying, "No, let us get these legacy inquests up and running because the state was involved and it owes them." I can see both sides of the argument.

Our judiciary is impartial and independent. We need to respect that, and I hope that we all do. It is important that people understand that it is up to our Executive and Assembly to find a way. Nothing stops us from bringing out a bespoke way of dealing with these issues. The Historical Investigations Unit can be independent within the confines of it. We can use that to give everybody the same thing. That is incredibly important.

I have said this before and I say it again: I respect our justice system, our judges and their independence. We talk about the Lord Chief Justice's five-year plan: what is it? I have not seen such a plan. I have seen a statement and some paper articles, but I have not seen a plan that lays out how the Lord Chief Justice will deliver those inquests in five years. That is fundamental to your motion:

*"That this Assembly endorses the five-year plan"*

We have not seen it. It has not been published. Is the plan predicated on the assumption that inquest reform is the only option? Does it propose only non-jury inquests? What about requests for juries? What about multiple-case hearings? Will the inquest hear all the Ballymurphy families at the same time or individually? We do not know because we do not know the plan. We have not seen it. What about witness protection? What about if somebody is called to one of these legacy inquests, and he is infirm, he sees a doctor and the doctor says that he cannot come. Will there be a judicial review? Will that stretch things out? Can we get this done in five years?

The point I am making is that I have not seen and do not understand the details of the Lord Chief Justice's five-year plan. Therefore, we are debating something that we have not seen and which has not been brought before us.

I will go back to the very start, if I may, and say that I want justice for all, and I do not think that anybody should be able to avoid justice. This is not arguing for arguing's sake. This is not countering a motion with an amendment just for the sake of it. As passionate as Mr Kearney is

about his motion and the people he is dealing with, I am the same, as are other people. That is important. As an Executive and an Assembly, we need to have lateral thinking and come up with something that works for all and not just for some. That is key.

Unfortunately, I cannot support the motion.

**Mr Attwood:** I beg to move

*Insert after "inquests;"*

*"notes the call of the Lord Chief Justice that the local Executive, legislature and the British Government should, as a matter of urgency, play their part in the release of moneys; further notes that the Executive have failed to agree a request to the British Government to release funding further to the Stormont House Agreement proposals;"*

I start where we should start and end: with the victims and survivors who, over many years, have campaigned and are now within touching distance, on one level, of having a proper inquest into incidents in the past. When I meet any families who are dealing with their pain or are heading towards an inquest, be that the Shankill families, the Ballymurphy families or those of members of our party who were victims of killings in the murder triangle in previous years, I always remember the words of an ancient Greek, who said:

*"Even in our sleep, pain which cannot forget falls drop by drop upon the heart until, in our own despair, against our will, comes wisdom through the awful grace of God."*

If there are any people and families in Northern Ireland who give expression to that wisdom, it is the families who have been campaigning for inquests, truth and accountability, and who have been relentless in so doing. I hope that, wherever we divide on this, we always remember that.

We will not be supporting the Ulster Unionist amendment because it removes the critical point, which is that this matter now falls to the British Government to resolve and they should resolve it now. However, I must ask Sinn Féin and Gerry Kelly in particular to reconsider not supporting our amendment. Our amendment contains the words of the Lord Chief Justice. They are not my words or the SDLP's words; they are the words of the Lord Chief Justice. Earlier this year, on the subject of the release of moneys, he said:

*"I therefore call again on the local Executive and legislature, and on the UK Government, to play their part as a matter of urgency."*

Those were his words, not mine. By relying on his judgement and all that he said about managing the issue, that should be a matter that should be supported rather than rejected. I ask Sinn Féin to consider that matter between now and the end of the debate.

What is this debate about? It is about two Governments refusing to live up to the requirements of the rule of law, the need for truth and international standards. The failure in the Executive here is with the DUP. It is the DUP, Mr Beattie, that is blocking this matter processing through the Executive. It is not Sinn Féin or the Justice Minister; it is the DUP. That is a failure to listen to the directions of the Lord Chief Justice and to live up to the rule of law and international standards. However, I do not think that we will convince the DUP to change its mind, because I am sure that the Justice Minister and Sinn Féin have tried mightily to do so. In the absence of one Government, because of the DUP veto, failing to live up to the requirements set by the Lord Chief Justice, it falls to the London Government to live up to those requirements. That is what the Lord Chief Justice said in his statement earlier this year when he called on the London Government to fulfil their responsibilities as a matter of urgency.

The fact is that the British Government have not done so, and the fact is that the Secretary of State meets victims and survivors and then denies them. I want to acknowledge that Mr Beattie was at the meeting when the Ballymurphy families met the Secretary of State. When he made it very clear that he was not listening to them, they made it very clear that they were not going to listen to him any longer, and we all walked out. He meets and then does not listen, and he does not live up to his responsibilities under international law and as the representative of the British Government to release moneys in relation to this matter. He should hang his head in shame that, on the one hand, he invites victims to meet him and, on the other hand, does not heed what they request.

We say to the British Secretary of State: do not deny the families, do not deny the Lord Chief Justice and do not deny international requirements. If that is what you do in respect of funding inquests in Northern Ireland now, what are you planning when it comes to what might be an imminent public phase of the consultation on legacy proposals? Will you again have a consultation on legacy proposals

that denies families, denies the rule of law and denies international standards? That is the message that you are sending out by refusing to take up the challenge of the Lord Chief Justice and the failure of the DUP to respond to the request to release moneys to the inquests.

The SDLP met the Secretary of State about the matter, and we told him bluntly, "If you give a veto to a party in Northern Ireland on this, you give a veto to other parties on other matters". We know from history that you do not go down that road.

#### 4.00 pm

The issue of inquests, of course, is a touchstone of three other fundamental issues on dealing with legacy. The first is that the Lord Chief Justice has made it clear that he needs multiple millions of pounds to take forward his legacy work. Mr Beattie has left the Chamber, but the High Court, through Lord Justice Kerr, called in barristers and solicitors representing families and the state and interrogated them on what was happening on inquests. The Lord Chief Justice is not making this up as he goes along. He had formal hearings through Lord Justice Kerr, and he then had separate meetings with the families to outline what his programme of work might be. He has indicated that he needs multiple millions of pounds, and, since the British Government said they would give money for legacy not only has that request come in but the Stakeknife moneys request came in, which is £35 million for up to seven years, and so on and so forth. The British Government, in dealing with inquests, also need to deal with money for not just inquests but everything to do with legacy. The budget required to deal with that has escalated over the last number of years beyond what it was in even Stormont House. If, on the far side of this, the Lord Chief Justice says, "I'm not getting the multiple millions of pounds to do my work", the Chief Constable is not getting the money to do Stakeknife and the rest of us are not getting the money to do all the legacy proposals, we will let down victims and survivors even more than we have in the past. If the Secretary of State recognises his error and the fundamental offence he is causing in not dealing with inquests now, when he deals with it, if he ever deals with it — if he ever stands up to the DUP veto — he must deal with the money.

The second relevant issue on inquests was spoken about at length by Mr Kearney. Inquests are about much more than disclosure, and legacy is about much more than disclosure, important and central though it is. The

experience with inquests has been the resistance of the state to providing the information in good time and in full so that it can then be shared as fully as possible with other people. That is the experience of inquests. The Lord Chief Justice was trying to navigate through that in a way that got it to a better place. If, on the far side of this, that is the approach of state authorities to disclosure or the approach of those who were in command and control of any organisation, state — the Government or their agencies — or paramilitary, during the years of conflict about their role and orders on anything that happened around murder and atrocity in Northern Ireland, we will let down victims and survivors again. If inquests are dealt with, let the issue of disclosure be dealt with. Otherwise, we are just selling something to people that they will see through on day one, and their hurt will be compounded.

The third issue — this is a reflection on the families — is that, if we do not support the families through all the legacy mechanisms — the history archive, the HIU, the ICIR, the IRG and the inquests — with money, advice, assistance and representation —

**Madam Principal Deputy Speaker:** Can the Member bring his remarks to a close?

**Mr Attwood:** — they will not believe the process is wholesome and worthwhile. Let that also be dealt with if the Secretary of State ever gets around to making the right call on the issue.

**Mr Frew:** Thank you, Deputy Principal Speaker — sorry, Principal Deputy Speaker. I always get that mixed up.

We will not support the motion or any of the amendments, although I will place on record sincere gratitude for the way that most Members so far have spoken on this sensitive issue. I also commend Doug Beattie for what he said about equality. He gave me a compliment earlier, so I will have to return that favour. What Doug Beattie said today is very close to our position.

People throughout the ages have fought and campaigned for equality. Is it not just as important to fight for the victims and survivors to ensure that they have equality and to make sure that justice is served? Nowhere in that statement does it say that one set of victims should be left behind or treated differently from another set of victims. That is the crux. When some system, Government, Department or

judicial system leaves victims behind or puts other victims at a higher level, more hurt and more pain are placed on those victims.

I have worked throughout the years with some of the family members of the Teebane victims. It was horrendous. I remember the day well. I was in the development where one of the victims lived. I saw the police cars going up first to speak to his wife. I was only out on the pavement in a parked car when it all happened. I quickly realised that the atrocity had taken place and quickly realised, too, that I had lost a friend I had grown up with. I have been working with those family members ever since, especially since I became involved in politics. You can rest assured that, when there is some outcome or something is completed and the victim and survivor of that atrocity, whatever it may be, comes forward and there is a briefing and someone says, "We have got this and we have had this and we are still not satisfied", it puts a dagger even further into the hearts of those victims and they feel forgotten — even more so. Every victim who was involved in the Troubles and every survivor who got caught up in the Troubles need to go forward, but how do we pick and choose?

I know that the legacy inquests are a special category, and there is an onus on the Government — on both Governments, in fact — on the issue. I would like to see them moving forward, but look at what money and resources we have — £150 million. Would £150 million look at 56 cases? I do not know. Does anyone in the House know?

**Mr Kelly:** Will the Member give way?

**Mr Frew:** Yes.

**Mr Kelly:** I thank the Member, and I agree with a lot of what he says about victims. Any victim has to have our sympathy. I know that he and his party talk a lot about judicial processes: will he accept that the inquests that we are talking about are judicial processes? I think that you said a moment ago that they were a different situation. Some of the relatives are in the Chamber today, and they have been waiting some 45 years for this. It is a judicial process. This is not something that had to be searched for but something that existed and is being held up. Is the Member arguing that that should be held up on the basis of other victims? I have sympathy for all the victims in these cases, as he does.

**Madam Principal Deputy Speaker:** The Member has an extra minute.

**Mr Frew:** No, I am not saying that it should be held up; I am saying that the legacy inquests should continue. Three have been completed this year, and the Lord Chief Justice says that he will complete two next year. I asked the previous Justice Minister — I could ask the current Minister this today — at the Justice Committee whether he was sure that all the muscle and sinew of his Department and the police force was going into tackling paramilitarism and crime.

The Minister said, and I remember it well, that you have to be careful about how you answer that, because resource is limited. That is the crux. A lot of this comes down to cost. We have to make sure that we treat people fairly and equally. The Lord Chief Justice said:

*"It is impossible to see how the issue of legacy can be moved forward politically without progress having been made on the new legislation" —*

**Madam Principal Deputy Speaker:** Will the Member bring his remarks to a close?

**Mr Frew:** He said:

*"It is impossible to see how the issue of legacy can be moved forward politically without progress having been made on the new legislation and in the absence of a clear assessment of the costs involved in implementing all of the elements of a legacy package."*

It is important that we move forward together —

**Madam Principal Deputy Speaker:** The Member's time is up.

**Mr Frew:** — in agreement to make sure that we serve all victims.

**Mr Ford:** Today we have all shown our concern for the victims of the past by adopting three somewhat different approaches. The Sinn Féin motion endorses the Lord Chief Justice's plans for inquests and then calls on the British Government to provide funding for them, but it says nothing at all about Executive responsibilities. The Ulster Unionist amendment only notes the Lord Chief Justice's plans, although, in proposing it, Doug Beattie did not seem to know what he was noting, and calls on the Executive to produce a balanced plan to move forward in all areas of dealing with the legacy of the past. The SDLP amendment endorses the Lord Chief Justice's plans and notes the failure of the Executive to deliver so

far, while also putting responsibility on the British Government to deliver.

It is absolutely clear from what has been said that the Executive have failed to live up to their responsibilities and deliver. As the memory of the Stormont House Agreement of two years ago and of the so-called Fresh Start of one year ago fade, we are still doing nothing to meet the needs of victims. When the Lord Chief Justice, at the beginning of September, made his speech to start the legal term, he said something extremely significant. I think that some people, because of the measured language that he uses as a judge, did not notice the significance of his criticism of the Executive for their failure to deliver. It is now a year since he was given responsibility for the Coroners' Courts and since he, Lord Justice Weir and a number of other judges — it was Lord Justice Weir, Mr Attwood, not Lord Justice Kerr. You downgraded Brian Kerr, but we will not worry about that. It is absolutely clear that the work being done to review the possibility of progress in all outstanding inquests — a lot of good work has been done to move things forward by the judiciary, including by a number of judges who have taken responsibility for inquests, the Courts and Tribunals Service and policy staff in DOJ — has been let down by the failure of the Executive to agree any way forward.

The First Minister and the deputy First Minister had a paper from me as Minister of Justice before the election that they would not table at the Executive. They then would not enable me to take an urgent decision. It is absolutely clear from what emerged during the election campaign that the First Minister is the person exercising the veto. The British Government may or may not be hiding behind that, but it is absolute nonsense to suggest that the veto at this stage lies anywhere other than with the First Minister.

Mr Kearney's rant blaming everything on the British Government was perhaps inevitable coming from a Sinn Féin spokesman, but maybe we should let him into a secret: in April 2010, justice was devolved to the Assembly. It is a Minister of Justice and the Executive in Northern Ireland who bear responsibility for moving things forward. Yes, the funding is supposed to come from the Treasury, but the rant on what the British Government should be doing rather suggests that Mr Kearney and possibly other Members from Sinn Féin do not believe in the devolution of justice at all.

We all know that there is a non-aggression pact in the Chamber and, indeed, other places between Sinn Féin and the DUP, but it is



carrying that to extremes for either party to suggest that the fault for the blockage at the present time lies anywhere other than with the DUP. If the First Minister had not blocked progress on the initial package to start the inquest process, we could have got the process under way and delivered something for some families. Indeed, the DUP could then have said to Sinn Féin, "We have delivered something. Now you start delivering on your side". However, by digging her heels in, the First Minister has guaranteed that nothing at all will happen.

Mr Frew may talk about the costs and how far £150 million would go, but the DOJ knew at the time of Fresh Start that £150 million would not be adequate for all that was needed under legacy. As long as the Executive fail to take any steps whatsoever, they have no prospect of getting any more money released from the Treasury. We certainly need some initial action from the Executive. At that point, money may be forthcoming from the Treasury, but unless we have something rational being done here, we will not get the opportunity to ask the Treasury to pay what it should be paying.

#### 4.15 pm

I understand the points made by the Ulster Unionist Party about the hierarchy of victims, but, at the moment, there are people whose inquests could proceed if the money were released, and they are being let down by the system because of the failure to agree on that money. That is why it is simply not realistic to blame others.

**Madam Principal Deputy Speaker:** Will the Member bring his remarks to a close?

**Mr Ford:** The clear point is that, if we are to recognise responsibilities, we must ensure that the Executive and, subsequently, the UK Government act —

**Madam Principal Deputy Speaker:** The Member's time is up.

**Mr Ford:** They must move on it now.

**Mrs Cameron:** As with yesterday's motion on addressing the past, we must recognise the importance of legacy inquests in helping Northern Ireland to progress. It is a massive issue that continues to prevent us from moving forward and one which must be addressed and dealt with in a respectful and impartial manner. It is clear to me that the structures in place are the stumbling block that is holding up many of

the processes. I believe that there is the political will to resolve the issue but that the current system has been caught up in dealing with incredibly complex and sensitive cases involving vast amounts of information. The judicial will to move forward, that of the Lord Chief Justice Sir Declan Morgan, is also very clear, and I would like to acknowledge the work that he and his staff have already done to progress matters.

Given the current difficulties that surround legal aid, I feel that we are using a disproportionate amount of money to look at state-related cases rather than using it for day-to-day policing. This focus has also led to families and survivors of non-state-related cases feeling ignored and excluded from the process. We need a resolution for all victims.

As I mentioned yesterday, the pain and suffering of those who have lost loved ones cannot be quantified or measured. It is therefore equally important that everyone, regardless of the circumstances, is dealt with on an equal footing. No one family's suffering is greater than that of another. As we are all acutely aware, how we deal with the past is a matter on which we have squared the circle in the 18 years since the signing of the Good Friday Agreement. We must reach agreement on how best to address legacy inquests and deal with the huge backlog of cases in order to allow victims and survivors to move on.

The Lord Chief Justice's five-year plan focuses on the establishment of a dedicated legacy inquest unit overseen by Mr Justice Colton. All cases would be reviewed and managed before being transferred to the coroner for hearing. As presiding coroner, Mr Justice Colton would see all related material in an unredacted format and work to ensure that the victims remained central to the process.

Under the current system, only 13 legacy cases have been delivered in the last 10 years. That situation cannot continue. It is completely impractical if we are ever to move on. It is clear that in order to progress towards resolution, greater financial means must be allocated to engage the human and technological resources required to competently complete the work. Addressing legacy inquests is key to moving forward. However, without the additional funding, we might not be able to carry these out in an appropriate timescale. We cannot continue to fail victims and prolong their pain through not coming to a satisfactory conclusion.

I am aware that the Justice Minister is equally frustrated by the current situation and is keen to

advance the Lord Chief Justice's five-year plan. I appreciate that she has met the Secretary of State to discuss that. I am also aware that the First Minister and deputy First Minister have had in-depth and ongoing discussions with the UK Government. I trust that these will continue in order to secure the necessary funding to bring these outstanding legacy inquests to a close.

In closing, the need to provide independent, impartial and inclusive legacy inquests is indisputable. I fully appreciate that there is much more to dealing with the past and legacy inquests than there is time to go into today, but for the victims and survivors of Northern Ireland's past, I cannot stress enough the need to bring these matters to a close. I believe that the Secretary of State is committed to seeing this happen. Whilst it will be a process that could take a number of years, at least, for the victims, an assurance that an inquest for their loved one is imminent might be a step in the right direction. The finances needed to take this forward are required urgently. I trust that the discussions between the Secretary of State, the First Minister and deputy First Minister will be positive and that the inquests can finally begin to move forward.

**Ms Boyle:** I am pleased to have the opportunity to speak on this very important motion on legacy inquests. I thank my party colleagues for bringing the motion to the House today.

Over the course of yesterday's debate and thus far today, a lot has been said about the past. However, many families have waited and waited. Many members of those families are no longer with us. We remember them here today. Families have heard from the Lord Chief Justice, Declan Morgan, on the future of legacy inquests and how they will be dealt with through the vision of a five-year plan. They hope that they may now get the truth and justice that they rightfully deserve.

Last Friday in my constituency, I spoke with the families of Tobias Molloy and Eamonn McDevitt. They have welcomed the Lord Chief Justice's five-year plan and the review led by Judge Reg Weir. The families conveyed to me that, after almost four decades, they feel more confident and have confidence in the justice and inquest systems. However, that came with a caution: they are concerned about the resources in relation to legacy inquests. It is their understanding that, unless the resource issue is resolved, only two further legacy cases can be conducted.

The Lord Chief Justice's approach to the issue and his extensive engagement with the families has helped to restore a level of confidence in the criminal justice system. The Lord Chief Justice and his staff have to be commended for that. The opportunity may be undermined if the provision of adequate resources is not forthcoming. Indeed, it could cause significant damage to public confidence in the rule of law in general. We know that around 54 legacy cases relating to the deaths of 97 people from different backgrounds could be completed within five years if the PSNI and the British MOD were fully cooperative with the Coroners Service and the funding was provided. The British Government must immediately release the £50 million in funding for legacy inquests that has been requested by the Lord Chief Justice. If the British Government are serious about dealing with the past, they need to commit to an immediate and intensive negotiation on dealing with the legacy of the past, as my party colleague Declan Kearney stated earlier. The British Government have an international obligation to undertake timely and effective investigations compliant with article 2. They cannot delegate their responsibility to the Assembly. The Irish Government cannot be let off the hook either; their silence on the issue is deafening. As co-guarantors of the Good Friday Agreement and subsequent agreements, they need to step up to the plate and challenge the British Government over their continuing failure to live up to their commitments on dealing with the past.

All the families have felt long-running frustration and a deep sense of anger about the failure to deliver prompt and effective inquest proceedings. The Ballymurphy families have been waiting for 45 years on an article 2 compliant inquest into the death of their loved ones. Their walkout of the meeting with Secretary of State Brokenshire on 19 September reflects the frustration felt by all the families over the continued refusal of the British Government to honour their state obligation to deliver on the issue. The Lord Chief Justice's five-year plan demonstrates to families that they may now be on the cusp of getting near to the truth and justice for their loved ones. They must not be failed. Sinn Féin believes in justice for all.

**Mr Kennedy:** We have now had three motions here in just two days that have all touched on aspects of dealing with our past. This issue has been talked about for many years in the Chamber. I am sure that there is an amount of public frustration because of how much talking there has been and how little action. We await to see whether the Secretary of State comes

forward with a public consultation. There will be much interest to see what form, if any, that takes and whether it leads to any progress on these issues.

We in the Ulster Unionist Party have long argued that legacy issues should have been included in the package of measures for dealing with the past that was discussed during the three talks processes of recent years. We see no reason why, if a Historical Investigations Unit and an Independent Commission on Information Retrieval were to be formed as part of a comprehensive way of dealing with the truth and justice aspects of our past, legacy Coroners' Courts could not sit as part of that. There should be no hierarchy of victims and no hierarchy of investigations.

It would be concerning that, even if a comprehensive package of bodies were to be agreed, some people would have an extra option for investigation that others would not have access to. If the aim is to find an all-encompassing way to deal with our past that allows equal opportunity for those seeking truth or justice, keeping legacy inquests outside of this tent seems to contradict the motivation. We want to know more on why anyone would be so opposed to this. Surely that would signal a lack of confidence in the proposed HIU.

We must bear in mind the people who have been left with no option of review since the Historical Enquiries Team closed its doors. Those people were patiently waiting for the HET to work its way through its caseload, getting ever closer to a review for their loved one until that hope was removed. Those people have been left in limbo. They are ageing and fearful that they may never find out the truth about what happened to their loved ones and why, and they may never have a chance of finally seeing justice done.

The present situation is clearly unsatisfactory and imperfect, and there are issues to be addressed. I want to highlight some of the imperfections of the present situation. The House will know that I have long been involved in the campaign for truth and justice for the Kingsmills families, who were devastated after the massacre by the IRA of 10 innocent Protestant workers in January 1976. I again pay tribute to those families, the sole survivor, Alan Black, and the groups and individuals who have supported the campaign and their persistence and dogged determination to pursue justice. After a prolonged public campaign and battle, we eventually succeeded in having a fresh coroner's inquest convened. This has been hearing over the past few

months. However, just one week into the fresh inquest, it had to be stalled because of new evidence relating to the existence of a palm print, which led to the reopening of the criminal investigation of Kingsmills. On the face of it, this should have been a welcome development, except that the existence of the palm print had long been known about, and we might have expected earlier progress in the criminal investigation in the 40 years since the horrific events of Kingsmills. Understandably, families and campaigners are rightly concerned and cynical about the resulting delays and that the public hearings of the inquest are currently on hold. Clearly, this is an unacceptable situation for the families, and it must be addressed as a matter of urgency. It is time for the truth about Kingsmills to finally emerge, however difficult and inconvenient.

The wider point relevant to this debate is that the current system is clearly unsatisfactory but any new system must be properly and fairly structured; we must avoid, at all costs, any attempt to rewrite history.

**Mr Lunn:** Before I came in here today, I was approached in the Great Hall by a couple of men who I should have recognised but, to my shame, did not. They were two representatives of the McGurk's Bar families. There was an atrocity there in 1971. I imagine they are in the Public Gallery, and it is good to see them again. They gave me quite a detailed account of their position on the lack of progress on that particular incident. I said that I would read it and raise it here again.

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

As I went upstairs, I was shown a copy of 'The Irish News'. There is an article in it that says that the army file on McGurk's Bar will not now be released until 2056. For those of you who doubt your arithmetic, that is 85 years after the event took place — 85 years on. There will not be anybody left with any recollection of what happened.

**4.30 pm**

What does that say to me? I try to keep an open mind on these things because there are always two sides, and sometimes what appears obvious is not what actually happened and vice versa. It says to me that the authorities and the army have something to hide. Why would you want to bury something for 85 years?

Other people have mentioned the Ballymurphy families, and it is well known that I have been

supportive of them for quite a few years now. I pay tribute to Doug Beattie, who is the second member of the Ulster Unionist Party to go to see them. Danny Kinahan's visit lasted only 10 minutes, but Doug went for a whole session — and a particularly revealing session it was, too.

Not for the first time, we went to see the Secretary of State; actually, it was the first time with this Secretary of State. He listened, he talked, and he said that he could do nothing. Once again. He said it with a bit more grace than his predecessor, I will say that, but, frankly, it was a major disappointment; another setback to a group of families that has been waiting 45 years.

Some of the people whom I have dealt with since my involvement with Ballymurphy began are now dead, and the contemporaries of the people who were killed are of an age — they will not last much longer. They are entitled to their day in the sun, to justice and to the truth about what happened. For the life of me, in the case of Ballymurphy, I wonder — I have said it before — what on earth is there for the state to protect? In fact, there is nothing. What happened at Ballymurphy is self-evident. It is self-evident from the evidence in the army files, never mind in the other file, but there is plenty of evidence there. That is an inquest that could go ahead quite reasonably, and I am sure that there are others.

The Lord Chief Justice has weighed into this discussion in a very helpful way, and I am sure that he must be feeling quite disappointed at the turn of events and the fact that, frankly, the DUP is blocking the process once again. The motion refers to the European Convention on Human Rights, which states that, apart from establishing a right to human life and the state's obligations, it:

*"requires an effective and proper investigation into all deaths caused by the state",*

as well as imposing an obligation to protect life.

What is the state? I am not a lawyer, but in this situation, to my mind, in European terms, the state must be the United Kingdom of Great Britain and Northern Ireland. Is it reasonable for the British Government to hide behind DUP intransigence? Or should they be bypassing the DUP and trying to do something about it off their own bat? That is what is needed here.

You might have thought that we were getting somewhere with the Stormont House Agreement, which set up the Oral History

Archive, the Historical Investigations Unit, the Independent Commission on Information Retrieval, and the Implementation and Reconciliation Group, but a year later, Fresh Start watered it all down. What we are doing here is passing the parcel; it seems to be about anything but making progress. The people who put us here must be —

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to draw his remarks to a close, please.

**Mr Lunn:** — wondering what is going on here. I plead with everybody involved to try to move this process forward as quickly as possible.

**Mr E McCann:** I do not know whether many people take the trouble to read the Hansard report of the daily proceedings; I used to do it, but then I am a sort of political nerd and would not usually admit it to anybody. It is even worse than watching 'Stormont Today'.

If they had read yesterday's proceedings and then sat down tomorrow morning to read today's proceedings, the first thing they would think is that it was all one debate, because it is all about the past. It overlaps and interpenetrates in all these discussions about legacy and inquests and who is telling the truth — which nobody involved in these matters really is.

In one way, I agree with everything that is being said because everybody is saying that there should be no hierarchy of victims; everybody agrees with that. If we all agree on those things, what is the problem? Where is the difficulty if we move forward? The difficulty is political. The Sinn Féin motion does not even acknowledge or mention the fact that its partner in government, the DUP, is mainly holding this thing up and is responsible for the deadlock. It is one thing to move on from the past and all that and for all of us to be nice to one another and cooperating on the Executive, but, when that means that there is no movement for people who desperately need the truth to be told outside, you have to question whether all this is worthwhile.

I agree with the Lord Chief Justice. We have already said that, which is terrific. Who could disagree, whether on humanitarian or philosophical grounds, with what the Lord Chief Justice said or with his proposals? Everybody agrees. I do not think that it will work; it will not work for the same reasons that we all, or some of us, spelled out yesterday that, if it is to be successful, it depends on the truth being told.

If the British Government and others had any willingness to tell the truth, they would have told it already. People are talking about all the money that needs to be involved, but sure if they had told the truth from the outset, there would be no need for any money to be spent. The only reason why these things take time and why lawyers earn fantastical sums of money is that nobody is coming clean.

We have had inquests. Remember this: some of the cases that we are talking about have already had inquests. A couple of weeks ago, I sat down, in connection with something that I was writing, and reread the inquest papers into the deaths of Mr Robert Johnston and Mr Robert McKinney in 1972. If you look at those deaths, you will see something interesting emerging.

There may be people here who do not know who Robert Johnston and Robert McKinney are. Think about it if you do not, as I am about to tell you who they are. They were murdered by the First Battalion, Parachute Regiment in the first week of September 1972 on the Shankill Road. Robert Johnston was a well-known character around the Shankill. Just before he died, before the bullet hit him, fired by — I could name the para but, do not worry, I will not — and blew his brains out, he was a man walking around. The last thing he shouted was, "I walked these streets in my bare feet in the 30s". He was a well-known character who came out of his wee house in Manor Street and out of the pub. The other man, Mr McKinney, was back after 30 years in Canada. On his first day back in Belfast, he went out around the area where earlier there had been rioting, and he was shot dead. The two people who fired those shots had also been involved in Glenfada Park in the Bogside and Bloody Sunday. I know their names and know exactly what they did.

Why are those men forgotten? I will tell you one of the reasons why they are forgotten: the people who should have represented them and stood up for the interests and lives of working-class Protestant people in Belfast did not want to go against the state. They have said to me, "We could not do that, Eamonn, as we would have been seen to have been supporting the likes of you" — as he put it — "in Derry in relation to Bloody Sunday". That political conundrum and political contradiction should be kept in mind when you are examining some of these cases.

My advice to relatives is to push it all the way, and I will be with you. There was also McGurk's bar and Kingsmills. Danny, tell the relatives — you are in touch with them and

know them personally — that, if they want to come out and march with the rest of us on Bloody Sunday weekend in Derry, they will be made extremely welcome. I say the same to the Birmingham victims, people from McGurk's bar, Ballymurphy and all the rest.

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

**Mr E McCann:** Victims should stand together; it is not just a question of us standing together. The only way we ever get anything in this country is by going out, organising and fighting for it.

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

**Mr E McCann:** Victims should join together, and they will find a big enthusiastic welcome from people who would conventionally be regarded as being on the other side, so to speak. Let us do it together.

**Mr Allister:** It is indisputable that all are entitled to the truth just as they are entitled to justice, but does not end there, because the process that delivers that has to be fair and equitable.

In the debate, we heard some of the one-sided exposition of demands for legacy inquests. I am not disputing the need for legacy inquests, though I am not impressed that some of those demanding the loudest are those associated with an organisation that denied to its victims not just justice but the most fundamental right of all: the right to life.

I recognise that, in making its demand — I speak of Sinn Féin — it sees within that, of course, a stratagem for state bashing. It sees within it an opportunity to validate its determined rewriting of history, hence the enthusiasm for the legacy inquest system so that it can be abused in that sense and the information garnered can be put to the ends of state bashing that it wishes to advance. The same people have nothing to tell us. There are people on these Benches in this House — I am looking at some of them now — who could tell us a great deal about the innocent victims they removed from this scene of time but choose to keep those dark secrets in their heart, yet they are on the highest of horses demanding justice for those they present as the victims of the state.

Let me be very clear: I do not put on a par the eight IRA murdering men who went out to visit devastation and death in Loughgall with

innocent shoppers going about their business on the Shankill Road or anywhere else, or innocent people sitting in a bar in Greysteel done to death by hideous terrorists. There is no comparison. Yet the hierarchy that has been created is that, for those who put themselves on the front line of terrorist activity, there must be legacy inquests, but for those whom they and their colleagues butchered — nothing. That is the hierarchy that has crept into this.

Therefore, the DUP is right to have vetoed the progress — if you want to call it that — on this matter until the inequality is recognised, but it was wrong at Stormont Castle to embrace the beginning of that inequality. In the Stormont Castle agreement of two years ago, it agreed £19 million a year to legacy inquests and £6.5 million to the HIU for the overhanging HET inquiries. There is a source of the inequality. That was agreed by the party that now has woken up to block the inequitable progress on this matter. Pity it did not waken up at Stormont Castle when it was agreeing those figures, but better late than never.

I am very clear that, yes, it is right that individuals are entitled to the truth, but there can be no hierarchy —

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to bring his remarks to a close, please.

**Mr Allister:** — a hierarchy particularly inspired by engendering an opportunity for state bashing while ignoring the horrendous terror of the terrorists.

**Ms Sugden (The Minister of Justice):** I thank Members for bringing the motion to the Assembly, and I welcome the opportunity to debate this very important issue. My position is very clear: families have waited far too long for legacy inquests into the deaths of their loved ones. If we are ever going to bring some measure of closure to bereaved families, we need to reach political agreement on this and other legacy matters now. I have not experienced the loss of a loved one in the way that the families have, but I have met a number of family members who have lost husbands, daughters, brothers and sons. I have seen the very real pain and suffering that they live with on a daily basis, and they have told me of the stress and anguish brought about by this continued delay.

**4.45 pm**

What struck me is the similarity of the stories that the families bring to me, regardless of their

background or the circumstances surrounding the death of their loved ones. They have all suffered unimaginable hurt and loss, and they acknowledge that no one's family is greater than anyone else's. We need to listen to the voice of victims' families and be guided by them. The management of these complex inquests is not easy, but the continuing delay is having an unacceptable impact, not only on victims' families but on our wider community and our justice system. It is simply not acceptable that some families have had to wait 30 or 40 years to have their loved ones' deaths investigated. For some, it has been too late. To make the progress that is so urgently needed, the legacy inquest process must be better focused, equipped and resourced to meet the needs of bereaved families.

The Lord Chief Justice of Northern Ireland was appointed as president of the Coroners' Court on 1 November last year, with responsibility for providing leadership to the judicial officers who act as coroners. He immediately commissioned a review of the state of readiness of the outstanding legacy cases, and that was undertaken by Lord Justice Weir in January. On that basis, and following a series of meetings in Strasbourg, the Lord Chief Justice proposed a new model for progressing legacy inquests. He concluded that, with the support of a properly resourced legacy inquest unit in the Northern Ireland Courts and Tribunals Service and cooperation from the relevant justice bodies, including the PSNI and the MOD, it should be possible to complete the existing legacy inquest caseload within a period of five years. Having discussed the Lord Chief Justice's proposals with him, I am confident that they provide the basis for transforming the way that we manage legacy inquests in Northern Ireland. His proposals, which should ensure that all the outstanding legacy inquests are completed within five years, offer real and tangible hope to victims' families that their cases will finally be brought to a conclusion. We owe it to the victims and to their families to make the Lord Chief Justice's vision a reality.

The Stormont House Agreement includes measures to address a number of issues relating to Northern Ireland's troubled past. It is the only mechanism that we have to provide some resolution for victims, and I will do all that I can to progress it. The Stormont House Agreement proposals may not give the families everything they want and will not bring back their loved ones, but I believe that they will go some way to giving them what they need.

The Stormont House Agreement made proposals covering two areas that fall within my

remit as Justice Minister, one of which is to improve the way that legacy inquests are concluded and the other to establish a Historical Investigations Unit. The UK Government subsequently held cross-party talks to consider how best to progress the existing commitments to address the complex issues relating to Northern Ireland's past. Those talks resulted in the Fresh Start Agreement. Whilst that agreement paved the way to resolving a number of difficult issues, including an end to paramilitarism, it did not address how we deal with the legacy issues of our past. However, discussions are continuing between the Northern Ireland Executive and the United Kingdom Government to resolve those outstanding issues, and I remain confident that agreement will be reached on establishing the new institutions proposed in the Stormont House Agreement and on improving legacy inquest arrangements.

Funding forms an important part of those discussions, including access to funds for progressing the Lord Chief Justice's proposals. The justice system was never funded to address legacy issues. This funding gap has exacerbated the situation and undermined our capacity to address this complex problem. I am working with Executive colleagues to resolve the outstanding issues and to secure the funding needed to allow legacy inquests to proceed in line with the proposals by the Lord Chief Justice. I have asked my Department to review the funding requirements of the Lord Chief Justice's proposals for legacy inquests, and that work is ongoing. However, it is important to recognise that any funding bid under the Stormont House Agreement will have to be agreed by the Northern Ireland Executive before being submitted to Her Majesty's Government as part of the overall funding package for dealing with the past.

Since the Lord Chief Justice's appointment, a review of the available resources has been undertaken, and he has made a number of significant improvements in advance of agreement on his wider proposals. In February, a High Court judge was appointed as presiding coroner to oversee the management of cases and consider issues relating to scope and disclosure. The presiding coroner, in conjunction with the Lord Chief Justice, determines which cases will be listed for hearing and when. A new coroner was also sworn in February and a further coroner was appointed in April, bringing the Coroners Service back to its full judicial complement.

The Lord Chief Justice has assigned a County Court judge to deal with some of the more

complex inquests. New counsel were appointed to the panel of counsel in November last year to provide advice to the coroner and to present evidence at inquests. In March of this year, a coroner's investigator was appointed to provide advice and guidance on appropriate and effective investigative opportunities in practice and procedures for inquests as required by the coroners. She also conducts investigative opportunities with the relevant legal officer.

In addition to those improvements, Criminal Justice Inspection Northern Ireland was commissioned to undertake an inspection of the arrangements in place in the PSNI to manage and disclose information in support of the coronial process in Northern Ireland, and its report is expected to be published in the near future.

Members will recall that the Northern Ireland Courts and Tribunals Service undertook a review of the overall operations of the Coroners Service, with a view to ensuring resilience in the service and to contribute to the development and implementation of arrangements for the processing of legacy inquests in the context of the Stormont House Agreement. Ten of the 13 recommendations arising from the review have been fully implemented and are already bearing fruit. Improved listing arrangements, for example, have helped clear the backlog and ensure the more timely progression of inquests, with fewer adjournments.

Progressing the Lord Chief Justice's proposals to streamline and reform the legacy inquest system is essential. However, progress in dealing with the past, including the Lord Chief Justice's proposed enhancement of the legacy inquest process, can be made only following agreement on the implementation of the Stormont House Agreement and the release of the associated funding that it provides.

Resolving the legacy inquest blockage is only one part of the necessary solution to dealing with the past. I am confident that the new Historical Investigations Unit, when established under the agreement, will make a real difference in progressing future cases and will ease the burden on coroners in conducting the often complex investigations that have fallen, by default, to legacy inquests in the past.

I am unclear from amendment No 1 —

**Mr Lyttle:** I thank the Minister for giving way. She has expressed confidence in the establishment of improved legacy inquest arrangements and the Historical Investigations

Unit. To try to reassure victims, does she have any idea of timescales? When does she think that those will be put in place?

**Ms Sugden:** I thank the Member for his intervention. Truthfully, I do not have a specific timescale for how we are going to progress legacy inquests. I have said in the House on previous occasions that I am keen for it to happen sooner rather than later. Unfortunately, that is the only answer that I can give now. I assure the Member and other Members that it is something that I am progressing with my Executive colleagues and the Northern Ireland Office in order to see how we can move forward with the Historical Investigations Unit and legacy inquests together.

I am somewhat unclear as to whether amendment No 1 is supporting the Lord Chief Justice's proposals. He is our most senior judge, so it is important that we listen when he makes proposals on such an important issue and that we act on his carefully considered recommendations. I am certainly not in favour of any hierarchy of investigations. I believe that all families should have access to a review or investigation of their loved one's death. That is why I support the full implementation of the Stormont House Agreement. It is only through its implementation that the outstanding investigations will be completed in a professional, impartial and timely manner.

**Mrs Little Pengelly:** I thank the Minister for giving way. On comments that were just made in the House, will the Minister confirm — especially in the context of there being no hierarchy of victims — that there is no profile that has been, or had been, agreed over the last number of years on the financial arrangements between inquests and the HIU? That needs to be worked out very much on the basis that everything is moving forward together.

**Ms Sugden:** I thank the Member for her intervention. I can speak for my time as Justice Minister by saying that I am not aware of anything particular about a hierarchy of investigations. I am merely referring to what the amendment refers to.

**Mr Allister:** Will the Minister give way?

**Ms Sugden:** Certainly.

**Mr Allister:** Would the Minister care to look at the schedule to what became known as the Stormont Castle agreement, the one that had to be squeezed out of the Executive parties and

that sets out, in tabular form, £19 million of funds for legacy inquests, £6.5 million for the new Historical Investigations Unit for overhanging HET cases, and £5 million for Police Ombudsman's cases? It is there in black and white.

**Ms Sugden:** I thank the Member for his intervention. I think that he is alluding to the necessity for funding for addressing the past. Indeed, I agree that we need to resource properly all the mechanisms that we are taking forward in dealing with addressing our past. It is something that I and my Executive colleagues, and the Northern Ireland Office, are working towards progressing.

**Mr Attwood:** Will the Member give way?

**Ms Sugden:** One more time, sure.

**Mr Attwood:** I thank the Minister and appreciate the change from yesterday in her approach to taking interventions. When it comes to the release of moneys for legacy inquests, which the Lord Chief Justice said that he needed as "a matter of urgency", where is the impediment at an Executive level? If there is an impediment that you have no time frame for resolution, have you told the Secretary of State that it is your view, individually, that he should get on and fund now?

**Ms Sugden:** I thank the Member for his intervention. I have made it clear to the Secretary of State that I believe that legacy inquests are a way of progressing this within a five-year time frame, and I have made my feelings quite clear about the fact that we need to fully resource it. I do not have that resource in my Department, so it has to come from a wider Northern Ireland Executive resource or outside of that, whether that is the Northern Ireland Office or elsewhere.

I can speak only about my time as Justice Minister. The previous Justice Minister mentioned what he felt the impediment was. Five months into the mandate, we are at the stage of looking at it again. We have to appreciate that we have another Secretary of State in position, and he will look at how he wants to progress it. It is a matter of process at this stage. Unfortunately, I cannot give you a time frame. I would like to be in a position to do so, but I assure the House that I am confident that it will move forward. I know that I have said this before, but in respect of how we deal with addressing the past, the Stormont House Agreement and Fresh Start Agreement are



what was agreed, and we need to use both mechanisms so that we can finally move on.

I come now to amendment No 2, and I agree that, as mentioned, we need to support the Lord Chief Justice's proposals as "a matter of urgency". I have been clear on that from the outset, particularly in a number of meetings that I have had with the Lord Chief Justice. From my engagement with Executive colleagues and the Secretary of State, I know that there is a strong desire to resolve the outstanding issues and move ahead with the implementation of the Stormont House Agreement.

In conclusion, it is important that, when considering legacy matters, we keep the needs of the victims' families at the heart of our thinking. The continued impact of our current arrangements on victims' families and our wider community is unacceptable. Our justice system is neither designed nor funded to deal with the legacy of our past. We must act now to obtain adequate funding for the Stormont House Agreement institutions for dealing with the past, including improving our legacy inquest arrangements. We must act now to resolve the issues of our past and finally bring some measure of closure to those who lost loved ones as a consequence of that past. I am working with Executive colleagues to make progress on the establishment of the HIU and to obtain the release of funds to progress the Lord Chief Justice's proposals for legacy inquests.

I support the motion, and I will continue to work with Executive colleagues and Members to resolve this issue in an urgent and timely manner for the benefit of everyone in Northern Ireland.

**Mr McGrath:** At the start and end of the debate are the victims and their families. We must remember their pain and suffering, and, importantly, we must remember their future, which we have within our control to help or hinder. We have highlighted where we believe the problem lies in this matter. The DUP is refusing to allow a request for funding for the inquests, and that is a terrible failing of those families. I reiterate that the Secretary of State needs to recognise that he has the ability to unlock this scenario and deliver the funding required to address the concerns of families and victims. He must not allow the DUP to have a veto on the matter of legacy and inquests. To do so would set a dangerous precedent and set us back in this process rather than enabling us to move forward.

Some Members who contributed to the debate suggested that no one family's suffering or pain

is greater than that of another. However, by wilfully blocking a resolution to any of these problems, we are failing and letting down all families, and that is unacceptable. We heard from Trevor Lunn how the Stormont House Agreement had offered hope. We suggest that there was also hope in Eames/Bradley and other initiatives, but the problem is that we continue to be let down, and that is unacceptable.

#### 5.00 pm

I commend Mr McCann on his contribution, which was a powerful contribution. It highlighted to us the importance that the truth will be able to be heard and will help all of us to be able to move forward. He also made a powerful contribution on the point that all families and victims should work together because the collective voice, working as one, will help us to be able to unlock the funding that will deliver results and a resolution to these matters. I welcome the Minister's admission that families have waited too long to get a resolution to their suffering, and I also welcome her determination to do all that she can to pursue the matter. However, I say to the Minister that you are not going to get a resolution from this Executive, so it may be a bit of a waste of time looking for that. You should be making your way to the Secretary of State to directly advocate for that money to be made available to the families of victims in Northern Ireland to help them get the truth that they require.

It is difficult for families of victims of the Troubles to move on without adequate and appropriate closure of the atrocities that the families endured. We need to see justice prevail, we need accountability, and we need acknowledgement. In short, for that, we must have the legacy inquests. It is time that we take narrow and vested interests out of this and work again to try to get a resolution for the victims and their families. In my constituency of South Down, we had many incidents and tragedies over the years. The people of Loughinisland suffered significantly when six local men were murdered in 1994. With the misery and suffering that the families of these individuals have had to endure, recent revelations of collusion, destruction of evidence and wilful interference have compounded the pain that they must face.

There must be closure. There must be conclusion to the outstanding issues, and there must be an apology for the wrong that has taken place. Inquests will allow this process to begin for dozens of families. The victims seek

this. Their families seek it, and we must comprehensively and ethically address the past now. I believe that our amendment details the best way to achieve this, and I commend the amendment to the House.

**Mr Deputy Speaker (Mr McGlone):** I call Roy Beggs to wind on amendment No 1.

**Mr Beggs:** I rise in support of the amendment in the name of my colleague Doug Beattie and others. I am conscious that I am thinking of the many victims in Northern Ireland as a result of terrorism over many years. Three and a half thousand people were murdered, and many were maimed, with the difficulties that has caused for their families. Many have spoken of the legacy inquests, but I think that it is important that we also remember that there are many who have yet to have their case even reviewed since the end of the Historical Enquiries Team's activity. I am also conscious that many, many victims' families suffered loss and no one was ever brought before the courts. They have suffered loss quietly. The families have had to get on with life. There are many, many victims, and it is important in going forward that we do not create a hierarchy of victims. That is the reason behind the amendment to the motion in the name of Doug Beattie and my colleagues.

Going forward, we need a widespread agreement in a way that can gain support from everyone and take all victims forward. Doug Beattie touched briefly on the issue that information that might be released could lead to deaths, and this is not hypothetical but has happened in Northern Ireland. He is right to say that there are occasions when information should not be disclosed. He is also right to say that, if it is just about saving somebody's blushes, that is not due reason and it should be disclosed. He said that he was present when the Secretary of State indicated that, if the Executive collectively called for the release of money, he would give it to them. What he wants and what we want is fairness for everyone. If we can get that agreement, there is the potential of moving this forward for the benefit of all victims. That is certainly what the Ulster Unionists want. The power is with our Executive in that. If you think of others as you argue your separate corner and reach agreement, there is the potential to move forward.

Doug also highlighted the danger of the five-year plan, the lack of detail and the cost. Legal cases are renowned for exceeding their time and their costs. What is important for justice in Northern Ireland is that other forms of justice do

not suffer because of what might commence. It is important that there is a detailed and deliverable plan that deals with all aspects of justice.

As has been highlighted by a number of Members, Declan Kearney strangely directed all his fire at the British Government. Obviously, that was the non-aggression pact in action again. He failed to recognise that the Secretary of State has said that, if the Executive can agree, he will give the money. So, why is Declan Kearney not saying that the difficulty is with the Executive and ensuring that there is resolution there? He urged that the legacy inquests should be treated as a freestanding issue, but there is a real danger that we could end up creating a process that focuses on a relatively small number of Troubles deaths, tragic as each of those are for each of the families. Let us remember that 10% of Troubles-related deaths were a result of state forces. There is almost an implication that some are trying to minimise the impact of the 90% of deaths that were caused by republican and loyalist terrorist groups. It is important that there is justice for all of the other 90% who suffered as a result of terrorism and that there is a process for them to seek justice as they would wish. That was highlighted in particular by Jim Allister and Paul Frew. My colleague Danny Kennedy highlighted the issue of the Kingsmills families and the palm print that was known about but not progressed, and he stated his concerns about undue delays.

Many valid points have been made, but why can we not listen to what has been said? Why can we not agree a way forward that will meet the needs of all families rather than focus on a small number of families?

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

**Mr Beggs:** I urge you to support our amendment.

**Mr Kelly:** I have been taking copious notes, which is always a mistake. Members have repeated the words of other Members. I agree with Eamonn McCann — at least on this — that we have had the same debate over the last two days and that all the issues that we have been talking about have been the same.

A number of people have said similar things, but the Minister of Justice said that no loss is greater than another, and I absolutely agree with her. The difficulty, as we listened to Members in this debate was that, while we

heard many say similar things, once they then elaborated, the truth of the statement was shown in its naked form. I point especially to Jim Allister, who has a clear hierarchy of victims and went out of his way to condemn people who were killed.

We have had the three debates over two days. This one was specifically about legacy inquests, and it is normal that we moved off that because the issues are all connected. However, this motion was about supporting action that has been taken.

Over the last couple of days, we have been talking about inaction. Here we have a Lord Chief Justice who took action. He came in as president of the Coroners' Court and was asked to do it in November 2015. By January 2016, he had instigated a review. I think that it was Justice Weir who was involved in that. The Lord Chief Justice met the Council of Europe. He met UN human rights bodies. By February 2016, he did what nobody else — certainly no Lord Chief Justice — had done before him by going to meet the families, who are suffering and have suffered over decades, to find out what their views are. He then said, "I can sort out the 56 outstanding legacy cases in the next five years because I have a plan". Indeed, the Justice Minister went through quite a section of that plan.

Doug says, "I need to see it", but I do not know why, because it was the Lord Chief Justice we gave the job to and he and the Courts and Tribunals Service are the ones with the expertise. He has said that he can rectify what has been missing in the past, and at the core of that, as was said many times over the last two days, was disclosure and the lack of it and funding. He called for money. He said that he could complete it in five years if he received £5 million per annum. If he does not get the money, as someone mentioned, perhaps only two further cases will be done. As someone else pointed out, only 13 cases have been done up to now.

There is the issue. There are people waiting. As I pointed out earlier, this is a coronial system. For the many families that have tried again and again and again to get something for their loved ones, we have for the first time — for some after 45 years — an action that will do that. What is the problem? We cannot get the resources.

Let me deal with why we tabled the motion in its current form, because a number of people have criticised us, saying that we are trying to avoid issues. Let me not avoid anything. Here is the

issue: these are legacy cases, and the responsibility for them, under international law, is the British Government's. They are the ones who have to comply with article 2, and they are the ones who have the duty and the power to ask any other institution, including this one, to ensure that they also comply. It is their responsibility: it happened on their watch, and they are the people who have to pay the money; they are the people who have said that there is £150 million that should be used for legacy issues and have then refused to use it.

This is where I disagree with the two amendments. As they pointed out themselves, before they tabled the amendments, they knew that the Executive were not going to clear money for this. If the only issue was money and we had the power to give it, it would be given. The reason I disagree with the amendments and why we will vote against them is that they were put in as an attack on the Executive. Of course, the Executive cannot come to that conclusion, but we all knew that before. The SDLP acknowledges that and says, "So, we're not getting it there; let's get it from the British Government, because that's where it's supposed to come from". So, they agree with what we have said in our motion.

**Mr Attwood:** Will the Member give way?

**Mr Kelly:** I will.

**Mr Attwood:** Are you saying that the deputy First Minister has not had conversations with the First Minister and the Minister of Justice about bringing a paper to the Executive in order to make that request to London? Is that what you are telling us? If so, there might be some validity in what you say, but it is the understanding of everybody that there have been conversations to try to get something through the Executive. In the absence of that happening, it should go through London.

**Mr Kelly:** First, I am not on the Executive — neither are you — so I do not know what is happening there. I do not know why you are challenging this. You, Eamonn McCann, and a number of other people said that the difficulty is that we are afraid to say that we cannot get the money through the Executive. I am saying it: we cannot get the money through the Executive., but I am pointing out, as you did, that this is the responsibility of the British Government. The British Government have the money: there is £150 million for legacy issues, and they should release it. End of.

**Mr Ford:** Will the Member give way?

**Mr Kelly:** Why not?

**Mr Ford:** I appreciate the Member giving way. Of course the British Government have responsibilities for article 2, but it is also clear, given that his party was party to the Fresh Start Agreement, so-called, and the Stormont House Agreement, that that work was to be done by the Executive and then funded by the British Government.

**Mr Kelly:** I am glad that the ex-Minister of Justice came in. I presume that he remembers that he was on the Executive and could have had some influence on this. Yet, now that he is off the Executive, he is trying to blame everybody who is on it.

**Mr Ford:** Will the Member give way?

**Mr Kelly:** No, I will not give way again. I have already given way.

There are two or three issues that were mentioned by a number of people. One is the hierarchy of victims, which we have mentioned many times. Another term that was used was the hierarchy of investigations, which was used mostly by unionists. I want to deal with some of that in this way.

### 5.15 pm

I am glad that people are starting to use our terms — equality, balance and all that — because I believe in the equality of victims, balance and all that. However, when you talk about the hierarchy of victims and the hierarchy of investigations, you need to know what you are talking about. For instance, conservatively speaking, there was something like — *[Interruption.]* Do you want to speak up, Chris, or do you want to listen?

**Mr Lyttle:** Not really, no.

**Mr Kelly:** OK. Well, leave then. Do the right thing.

**Mr Deputy Speaker (Mr McGlone):** Could remarks be addressed through the Chair, please? There should be no interruptions from the Floor while a Member is speaking.

**Mr Kelly:** Thank you, Deputy Speaker. Let us deal with the hierarchy of victims. There is a conservative estimate that 25,000 people from the nationalist community went through jails. That means that there are 25,000 files, and, if they were charged with more than one thing,

you can multiply that number by 10. When you talk about information and the lack of information, how many of the state forces went through the courts? If you want to talk about equality, justice and people's rights, have a think about that. If we want to deal with equality in those terms, there is a lot of catching up to do.

With respect to equality of investigations, let me repeat what I said earlier. This is the coronial system. It is supposed to be working from the start. We are not talking about truth recovery processes or anything like that. We are talking about something that existed and was then refused. Earlier, our colleague Trevor Lunn reported what they now say about information on McGurk's bar: we will not get it until 2056.

There is one thing that I disagree with Eamonn McCann on, and I am quite surprised at him. He talks as though it is impossible to get at the truth, yet the Bloody Sunday inquiry did that, and we are getting investigations going. We are able to set up these institutions. What he is doing is almost saying to victims, "You will never get what you want", whereas I am saying that we can do this and get it —

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

**Mr Kelly:** — but it needs people like the British Government to give the resources needed and also, frankly, to tell the truth.

**Mr Deputy Speaker (Mr McGlone):** Before I put the Question on amendment No 1, I remind Members that, if it is made, I will not put the Question on amendment No 2.

*Question put, That amendment No 1 be made.*

*The Assembly divided:*

*Ayes 15; Noes 73.*

### AYES

*Mr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, Mr Butler, Mr Chambers, Mrs Dobson, Mr Kennedy, Mr McKee, Mrs Overend, Mrs Palmer, Mr Smith, Mr Swann.*

*Tellers for the Ayes: Mr Aiken and Mr Kennedy*

### NOES

*Mr Agnew, Mr Anderson, Ms Archibald, Ms Armstrong, Mr Attwood, Ms Bailey, Mr Boylan, Ms Boyle, Mr M Bradley, Ms P Bradley, Ms S*

Bradley, Ms Bradshaw, Mr K Buchanan, Mr T Buchanan, Ms Bunting, Mrs Cameron, Mr Carroll, Mr Clarke, Mr Dickson, Ms Dillon, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Dr Farry, Ms Fearon, Mr Ford, Mr Frew, Ms Gildernew, Mr Girvan, Mr Givan, Mr Hamilton, Ms Hanna, Mr Hazzard, Mr Humphrey, Mr Irwin, Mr Kearney, Mr Kelly, Mrs Little Pengelly, Ms Lockhart, Mr Logan, Mr Lunn, Mr Lynch, Mr Lyons, Mr Lyttle, Mr E McCann, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr McElduff, Mr McGrath, Mr McGuigan, Mr McMullan, Mr McNulty, Mr McPhillips, Mr McQuillan, Ms Mallon, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Mullan, Mr Ó Muilleoir, Mrs O'Neill, Mr Poots, Mr Ross, Ms Seeley, Mr Sheehan, Mr Stalford, Mr Storey, Ms Sugden, Mr Wells.

*Tellers for the Noes: Mr Kearney and Mr Sheehan*

*Question accordingly negated.*

**Mr Deputy Speaker (Mr McGlone):** 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-minute rule and move straight to the Division.

*Question put, That amendment No 2 be made.*

*The Assembly divided:*

*Ayes 20; Noes 68.*

## **AYES**

Mr Agnew, Ms Armstrong, Mr Attwood, Ms Bailey, Ms S Bradley, Ms Bradshaw, Mr Carroll, Mr Dickson, Mr Durkan, Dr Farry, Mr Ford, Ms Hanna, Mr Lunn, Mr Lyttle, Mr E McCann, Mr McGrath, Mr McNulty, Mr McPhillips, Ms Mallon, Mr Mullan.

*Tellers for the Ayes: Mr McGrath and Mr Mullan*

## **NOES**

Mr Aiken, Mr Allen, Mr Allister, Mr Anderson, Ms Archibald, Mrs Barton, Mr Beattie, Mr Beggs, Mr Boylan, Ms Boyle, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Ms Dillon, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Frew, Ms Gildernew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Humphrey, Mr Irwin, Mr Kearney, Mr Kelly, Mr Kennedy, Mrs Little Pengelly, Ms Lockhart, Mr Logan, Mr

Lynch, Mr Lyons, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr McElduff, Mr McGuigan, Mr McKee, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Ó Muilleoir, Mrs O'Neill, Mrs Overend, Mrs Palmer, Mr Poots, Mr Ross, Ms Seeley, Mr Sheehan, Mr Smith, Mr Stalford, Mr Storey, Ms Sugden, Mr Swann, Mr Wells.

*Tellers for the Noes: Mr Kearney and Mr Sheehan*

*Question accordingly negated.*

**Mr Deputy Speaker (Mr McGlone):** 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-minute rule and move straight to the Division.

*Main Question put.*

*The Assembly divided:*

*Ayes 43; Noes 45.*

## **AYES**

Mr Agnew, Ms Archibald, Ms Armstrong, Mr Attwood, Ms Bailey, Mr Boylan, Ms Boyle, Ms S Bradley, Ms Bradshaw, Mr Carroll, Mr Dickson, Ms Dillon, Mr Durkan, Dr Farry, Ms Fearon, Mr Ford, Ms Gildernew, Ms Hanna, Mr Hazzard, Mr Kearney, Mr Kelly, Mr Lunn, Mr Lynch, Mr Lyttle, Mr E McCann, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Mr McGrath, Mr McGuigan, Mr McMullan, Mr McNulty, Mr McPhillips, Ms Mallon, Mr Maskey, Mr Milne, Mr Mullan, Mr Ó Muilleoir, Mrs O'Neill, Ms Seeley, Mr Sheehan, Ms Sugden.

*Tellers for the Ayes: Mr Kearney and Mr Sheehan*

## **NOES**

Mr Aiken, Mr Allen, Mr Allister, Mr Anderson, Mrs Barton, Mr Beattie, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Humphrey, Mr Irwin, Mr Kennedy, Mrs Little Pengelly, Ms Lockhart, Mr Logan, Mr Lyons, Mr McCausland, Mr McKee, Mr McQuillan, Mr Middleton, Lord Morrow, Mrs Overend, Mrs Palmer, Mr Poots, Mr Ross, Mr Smith, Mr Stalford, Mr Storey, Mr Swann, Mr Wells.

*Tellers for the Noes: Mr Aiken and Mr McQuillan*

*Main Question accordingly negated.*

## Assembly Business

**Mr Aiken:** On a point of order, Mr Deputy Speaker.

**Mr Deputy Speaker (Mr McGlone):** Point of order.

**Mr Aiken:** Can I have a bit of quiet? *[Interruption.]* I would like the Speaker to rule on whether the First Minister and the Economy Minister misled the House yesterday by their comments in which they stated that EU bureaucrats were responsible for the ending of the United flights from Belfast to the United States. However, it has now come to our attention that the EU Commission did not make any ruling on this issue and that it was the Executive and the airline that made the decision instead. I would like a ruling on that.

**Mr Deputy Speaker (Mr McGlone):** If the Member has written verifiable evidence of that, I suggest that he supply it to the Speaker's Office for the Speaker to adjudicate on.

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

*Motion made:*

*That the Assembly do now adjourn. — [Mr Deputy Speaker (Mr Kennedy).]*

## Adjournment

### A2 Dual Carriageway Junctions: North Down

**Mr Deputy Speaker (Mr Kennedy):** In conjunction with the Business Committee, I have given leave to Mr Gordon Dunne to raise the matter of improvements to the A2 dual carriageway junctions in North Down. The proposer of the topic will have 15 minutes.

**Mr Dunne:** I welcome the opportunity to bring this important matter to the Assembly, and I thank the Minister for his attendance in the Chamber. I am somewhat disappointed that he did not accept an invitation to view the road. However, it is early days, and, maybe after the debate, he will spend some time looking at the issues that we raise.

The A2 Bangor to Belfast dual carriageway is one of Northern Ireland's busiest roads, with up to 45,000 vehicle movements per day over a 24-hour period. As many will know, this road features regularly on traffic bulletins with traffic tailbacks at Holywood and the Rathgael Road junction often mentioned on our airwaves, practically every morning from Monday to Friday. There are sections of the dual carriageway from Holywood to Tillysburn and Bangor to Ballyrobert. However, a key section of the road from Marino to Ballyrobert has no central reservation. This is a particularly dangerous section of road, with cars turning right into various entranceways and roads with no central turning pockets. There are two particularly dangerous junctions along the A2: Carney Hill and Larch Hill. Indeed, a recent petition, with the signatures of over 50 people living in the Carney Hill area, demanded action following a recent tragedy, when a lady sadly lost her life at this section of road earlier this year on a notorious bend known as the Devil's Elbow. The junction urgently needs to be made safe for local residents who have expressed their very real concerns and fears at using the junction daily. A section of adjacent land was acquired some years ago by the then DRD Roads Service, but nothing was done and nothing has been done to date to improve the junction. It is so bad that the planners will not allow any further approvals that require this exit to the A2 dual carriageway to be used. We require realignment of the junction, with a possible tie-in to the traffic lights at the Seahill junction. We need investment to make this road safer for all.

The Larch Hill junction, which has been adopted by Transport NI (TNI), is also very dangerous. Vehicles entering from the Belfast direction have to stop in the outside lane of a busy dual carriageway and wait for a gap to cross. This is an extremely dangerous manoeuvre, which has, unfortunately, been the scene of many accidents that have been far too common in recent years. Drivers exiting Larch Hill take their lives in their hands, with a substandard sight line to the right that needs to be improved. Perhaps the A2 roadway could be lowered to improve the sight lines. A small section of the slip lane to the left would improve safety for vehicles turning left towards Belfast.

The Kinnegar junction, which has been in the news recently, is also a very dangerous section; indeed, we recently witnessed a multi-car accident there involving six vehicles. Vehicles turning into Kinnegar Road have to sit on the outside lane with a restricted approach and no turning pocket, putting motorists coming from

Bangor at risk. The Seapark Road, which leads to an attractive place for many visitors and residents, particularly in the summer months, with its spectacular coastal path, is another dangerous junction onto the A2 dual carriageway. I presented a petition to the former Minister for Regional Development, Danny Kennedy, requesting the installation of traffic lights at the junction. At the time, Transport NI recognised that the sight line to the right was substandard, but, again, nothing has been done by the Department, leaving a dangerous junction onto the carriageway. As I said, this carries over 45,000 vehicles each day.

I turn now to ongoing maintenance. In recent years, the Department has really neglected this road. For some time, sign maintenance has been totally inadequate. Warning signs for upcoming traffic lights — for example, close to the Ulster Folk and Transport Museum, which we are fortunate to have in our constituency — have been left dirty, unreadable and obscured by overgrown trees and hedges. This is another extremely dangerous location, which has seen fatal accidents over the years. Signs have been damaged, are missing and have not replaced for some time, despite being regularly reported to the TNI section office.

The maintenance of this road is a real issue. Grass cutting on the A2 is of great concern to many residents, and it comes up every year. The Department's target is for five cuts a year, yet large sections only received their second cut at the end of October. The grass was cut only once during the summer, when the roads were left in a dangerous condition. Elected representatives had to plead to get grass cut at dangerous junctions, including the first entrance into Holywood at Palace Barracks, which is extremely busy coming from Belfast on the A2.

North Down rightly prides itself on being a tourist area, attracting many visitors to Bangor, Crawfordsburn, Holywood, Donaghadee and Millisle.

Other roads, such as the A1 Hillsborough to Newry road, the M1 and the M2, as I understand it, all have different maintenance contracts where the grass is cut and maintained on a regular basis. As we have all witnessed — I witnessed this over the past summer — different standards are being maintained on some roads compared with those on the A2. I therefore urge the Minister to look at the use of a maintenance contract for the A2 Belfast to Bangor dual carriageway.

**6.00 pm**

I also bring to his attention a problem we have with a local garage, Ballyrobert garage, actually loading and unloading vehicles on the carriageway. I am aware of a pending planning application on improving safety at that junction, and I trust the planners will look sympathetically at it when it comes forward.

In summary, Minister, we need investment in this section of road. We need to see junctions upgraded, in particular at Larch Hill and Carney Hill. We need an in-depth study carried out on this road assessing all the risks and measuring how to reduce them. It should include all junctions from Ballyrobert to Holywood, which are particularly dangerous to those using the road, as there is no central reservation.

There needs to be a review into how routine maintenance is carried out on the A2, with consideration given to moving to a system similar to that on the A1, M1 and M2, given the significant volume of traffic on the A2 and the real risks that exist to those carrying out maintenance work, who now require a buffer-type vehicle. In many cases lanes are closed, which restricts the flow of traffic.

We need investment in proper maintenance of this road with regular grass cutting, weed control, gully emptying and sign maintenance. In the long-term, we need to see progress on the extension of the Sydenham bypass or to see it upgraded to three lanes to relieve the problems of congestion at Dee Street bridge.

North Down residents deserve better, and I trust we will again see improvements made. I again thank the Minister for his attendance, and I look forward to hearing of progress on the important issues raised. I trust this matter will be taken seriously.

**Mr Deputy Speaker (Mr Kennedy):** I advise the House that all other speakers will now have approximately five minutes.

**Mr Chambers:** I thank my colleague Gordon Dunne for bringing this Adjournment debate. I know that Gordon, along with myself, has had a long-time interest in this particular roadway. I place on record my appreciation of the Minister being here this evening to listen to the debate.

Over the last few days I have been checking some statistics and so forth, and I came across a Hansard report of a debate that took place in the Chamber in 2002. The topic was the A2. A certain Mr Peter Robinson was the Minister for Regional Development at that particular time.

As I read it, I saw that the theme running through the debate was the sad and unacceptable loss of life occurring on the A2 on a regular basis. That loss of life is still a feature of this road.

That became more than just a paragraph in the local paper for me when a very dear friend, Norma Diffley, a long-time resident of Groomsport, was a victim in a collision that involved another vehicle allegedly crossing the carriageway at the devil's elbow in early January this year. Mr David Catherwood, a gentleman I was aware of, had his life taken from him as he rode his bicycle on the A2 near Cultra in July.

As Gordon said, parts of the A2 from Bangor to Holywood are a dual carriageway, and they provide a degree of protection from crossover collisions. That stretch stops at Ballyrobert. The other portion of separated traffic flow is the stretch into Holywood from Seapark. It is not coincidental that the two fatalities this year were on that three or four-mile stretch of unseparated carriageway. Up to 45,000 vehicles a day pass each other when travelling in different directions. They pass each other within a few feet, and they are travelling at up to 50 mph or a closing speed of 100 mph. One moment of inattention, a tyre blowing out or something like that affords no hiding place from a horrendous collision.

The reality is that the stretch of the A2 from Ballyrobert to Seapark really is not fit for purpose if you genuinely value the safety and the lives of road users. If you were planning that road at the moment, it would not get off the drawing board, because it would not meet any of the best practice. Traffic separation is essential to make it a safer route. If that means vesting parts of people's gardens, will we as elected Members support that? We cannot ask the Minister to do certain things if we are not prepared, in the long term, to support him.

Right-turners present a challenge. We need to encourage and advise people using the road to advertise their intentions as early as possible if they are going to make a right turn, because that manoeuvre brings with it the danger of a high-speed rear shunt.

At a recent Question Time, the Minister answered a question about the A2. He said that a survey was carried out in 2011 and identified two junctions that needed improvement: Ballyrobert Road and Ballymoney Road. Five years on, the statutory process, I believe, is still to begin, funding has to be secured and priority has to be confirmed.

I sympathise with the Minister in finding the funding for those things because funding is already tight in North Down, even for fixing potholes. Anyone with an interest in road safety and who has any budgetary influence with the Executive really does need to help the Minister to secure this funding.

We have a policy to encourage cycling, and I admire the hardy souls who use that road on two wheels; I also fear for them. The current arrangements — should I say no arrangements? — are not an acceptable situation. Painting a cycle lane will not cut it; physical separation is required for cyclists as well.

We have to pay a compliment because, over the years, things have been done to make the road safer; we have to acknowledge that. There are more traffic lights, and the average-speed cameras have made a big difference. A lot of people question whether they actually work or not, but they have slowed up the speed on that road.

In conclusion, I ask the Minister to give a bit more consideration to the Craigantlet roundabout to maybe get some more traffic off the A2 and ease the sheer volume of traffic using it every day.

**Dr Farry:** I also thank Gordon Dunne for bringing this important Adjournment debate before the Assembly. At the outset, I recognise that there are no easy answers to the problems that we are setting out here today. At the very least, we and, in particular, the Minister must acknowledge that the status quo is simply not sustainable for the A2. Creative minds, including the suggestions that have come from MLAs today and elsewhere, need to be corralled, and some further remedies, building on what Alan Chambers said, need to be taken forward as soon as possible. I also appreciate that there are constraints on resources.

In essence, we have what is now one of the major roads in Northern Ireland, given the volume of traffic. Outside the context of the motorways and the Westlink, it probably rivals the A1 in terms of the record volume of traffic. The importance of what we are talking about here is massive, and we cannot ignore it. Clearly, we have a situation, in terms of the volume of traffic, where the road has developed without further or sufficient recognition being taken of the character of the area around it and the fact that it is a residential area. To take things to an extreme level, on what is a major commuter route, with a huge volume of traffic, we have a situation where people are making



manoeuvres in and out of driveways that back on to portions of the road, never mind the road junctions themselves.

In essence, there are two competing requirements here. The first is how we best combat congestion, which is probably a debate for another day, but the paramount interest has to be that of road safety, given that the situation is getting critical.

Although I appreciate that major accidents can come in waves, we have had a clear uptick this year, and the risks and dangers there are very clear for all of us to see, particularly those of us who use the road on an ongoing basis. We will have to consider the provision of some dedicated right-hand-turn facilities at certain points along the road. It may even be that we have to make it illegal to make right-hand turns at certain places and request that, as happens in other situations, people go to a safer junction and double back to make what will, in due course, become a left-hand turn.

Reference has been made to some of the really difficult junctions, in particular between Ballyrobert and Holywood. I want to add to that concerns about the entrance to the Kinnegar area, which is, in theory, blocked off by safety barriers. Those maybe give it the air of being a dual carriageway, but it is nonetheless a very difficult junction, where cars often come around at speed. It is officially a 40 mph zone, but, as we know, the speed limits are not always obeyed, and cars can very quickly be confronted with another car waiting to make a right-hand turn into Kinnegar. That junction is difficult enough as things stand, but, as the Minister will be well aware, the MoD announced yesterday that it intends to sell off some property. There is now the potential for the Kinnegar base to be sold off, and the likelihood is that it will be used for housing, which will place further and greater pressure on the area.

It would also be useful if the Minister could clarify the point that was made by Gordon Dunne about the garage and car showroom at Ballyrobert. Although I concur with him about the potential planning application resolving the issue, I ask the Minister to clarify the legal situation with cars being loaded and offloaded at that point, given that elsewhere there would be indications if there were a blockage on a road; for example, if roadworks were taking place.

It is also worth briefly putting on record that the A2 cannot be seen in isolation. There are also the issues with the Sydenham bypass, which needs a third lane added right through to Dee

Street. That is a problem. The Rathgael Road in Bangor perhaps does not have the same number of road accidents as the A2, but it is essentially a C-class rural road that has developed over the years because of the volume of traffic using it. More and more housing developments back on to it, including the site of the Helen's Wood proposal. Again, that is a situation —

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude his remarks.

**Dr Farry:** — that will not be sustainable.

**Mr Easton:** I congratulate my colleague for securing the Adjournment debate. I recognise that the A2 is the busiest road that we have in North Down, and it is perhaps one of the busiest in Northern Ireland. It has a bad history of accidents, and that has been the case in recent times as well.

The introduction of the speed enforcement camera system — a series of cameras on the A2 dual carriageway between Bangor and Belfast — has been an important weapon in fighting against speeding drivers and in helping to reduce some accidents. Rather than flashing drivers who are speeding at a fixed point, the system monitors the rate of every car over a certain distance, and that has helped to reduce the incidences of speeding on the A2. However, we are only too aware that there have been several fatalities in recent times. Those include the death of a 75-year-old woman following a two-vehicle crash, which was mentioned, and the death of a cyclist aged in his sixties who died after being hit by a car.

The A2 Belfast to Bangor road carries approximately 45,000 vehicles a day and has many junctions. I am aware that Roads Service has longer-term plans, including proposals to widen the busiest section of that route, the Sydenham bypass, to three lanes in each direction to improve capacity and reduce delays at peak times. I also understand that it has long-term plans to improve a number of junctions between the Holywood to Ballyrobert section of the A2 to improve road safety. Some of the junctions have been mentioned, and if, as Dr Farry mentioned, the go-ahead is given for new houses as Kinnegar, there will have to be a major overhaul of the A2 to ensure that it can cope with the huge number of houses that will be built on such a big site. We have also mentioned Ballyrobert, where a car business is planning to extend. We need to ensure that the proper facilities are in place at that junction to cope with that.

Roads Service has also identified a potential improvement on the Carney Hill junction to provide a right-turn pocket from the Belfast direction to reduce the risk of rear-end shunts. However, this scheme seems unlikely to proceed in the foreseeable future due to the limited availability of funding. Maybe the Minister will give us an update on that. If he does not know, perhaps he will come back to us.

### 6.15 pm

I feel that more can be done to make the A2, in general, safer for drivers. A central reservation barrier should be erected at the Devil's Elbow in particular. The bend is severe, and there have been many accidents at that point.

There are also maintenance issues, such as getting the grass cut, which is causing a hindrance for drivers. As my colleague mentioned, hedges are blocking signs, and that needs to be looked at.

One death on our roads is too many. If anything can be done on the A2 to increase safety and save a life, I urge the Minister to take what steps he can to do that.

**Mr Agnew:** I start by thanking the Member who secured the debate that brings the Minister here today. Indeed, I thank the Minister for his presence. I will not repeat everything that has been said. The point is well made: it is a busy road and a dangerous road. We would like to hear from the Minister what can be done to improve safety.

The first issue I dealt with was when looking at parking issues with Seapark residents, exiting on to the road was raised by a number of them. Since then, as other Members said, the junctions at Carney Hill and Larch Hill have been brought to my attention. Alan Chambers made a good point: if we were building the road today, we would not pass the current set-up. It would not pass current standards. I back his point about the need for the separation of cyclists. The recent death of a cyclist on the road has already been mentioned.

The road runs between our capital city and our largest town. It is busy, and it should be an infrastructure priority. Safety should take priority over speed. I ask the Minister to look at what assessment can be made of the existing junctions and, where possible, at what physical measures can be put in place to mitigate the current dangers. I also ask him to look at the

speed limits. Anyone who drives along it regularly knows that the speed limit goes from 60 mph to 50 mph to 40 mph to 30 mph and then back up to 40 mph, 50 mph and 60 mph. The message that a lot of people get is that it is a 60 mph road, and they drive close to that speed for most of the stretch. That is certainly not appropriate in all places. Mr Easton said that the speed cameras have helped in that regard, but the road is treated like a dual carriageway, and many seem to drive at 60 mph along almost the full length of it.

I ask the Minister to look at the speed limits and at what physical measures can be put in place to mitigate the dangers. We cannot come back to the Assembly continually. As mentioned, in 2002, other Members here said that there had been too many road deaths then. There are too many road deaths, Minister, and, if you could help, we would gratefully appreciate it.

**Mr McNulty:** I also thank the Member for securing the debate, and I acknowledge the presence of the Minister. I speak in the Adjournment debate on behalf of the SDLP. I also do so as a member of the Committee for Infrastructure.

The A2 dual carriageway is the main corridor from Bangor to Belfast and goes through Holywood and Cultra. It is the main route to tourist attractions including the Ulster Folk and Transport Museum, Helen's Bay and Crawfordsburn. The A2 Belfast to Bangor road is part of the strategic road network and carries about 45,000 vehicles daily. Rarely does a morning go by in which we do not hear about delays, or even an accident, on the road.

Sadly, we have heard of very serious road accidents this year. As mentioned a number of times already, in January, a 75-year-old lady lost her life following a car accident.

In July, another death occurred. This time, it was a cyclist who was travelling towards Bangor in the early hours of the morning. It is sad to have two deaths happening on the same stretch of road in such a short period. Without further safety improvements, we run the risk of further accidents and deaths on the carriageway.

The subject of the debate mentions the junctions of the road. The road has many twists and turns, which makes pulling out of or into those junctions much more perilous. The A2 dual carriageway had average speed cameras introduced a number of years ago, as mentioned, which has helped to reduce risks for motorists by encouraging reduced speeds.

However, as has also been mentioned, there remain a number of dangerous junctions that need improved, and we support Mr Dunne's calls for road safety improvement on the road.

I must highlight the SDLP's wider concerns about road safety. There are many roads across the North that require road safety upgrades. Every death on our roads is one too many. I believe that the Minister for Infrastructure must make road safety the highest priority and ensure that all our roads are safe to travel on.

In conclusion, we welcome the opportunity to contribute to today's Adjournment debate, and we put our support behind Mr Dunne's proposals for improvements in relation to the safety of the road.

**Mr Hazzard (The Minister for Infrastructure):** I congratulate and thank the Member for raising the issue. At the outset, I will touch on a few remarks just in case I do not get time to get to them at the end. I will be more than happy to review Hansard if I miss any and go back to officials with them.

To start with Justin McNulty's point, road safety is absolutely a priority of mine. Every couple of weeks, when I see the statistics coming into my office about fatalities and serious accidents, it is personal to me. I had a younger brother who went out one night and never came home. He was killed in a road accident. So, road safety is absolutely a priority for me, and it has been for my Department and for previous Ministers. Be absolutely assured that whatever we can do on road safety, we will do.

Alan Chambers talked a little bit about the Craigtantlet roundabout, and there is a particular case in point. There are competing priorities in the North Down region that the division is looking at, so if money is taken from one area and put to another, things will suffer and areas will lose out, but the A2 and the need to upgrade safety is very much on the horizon.

Mr Chambers and Steven Agnew mentioned the importance of segregated cycling lanes. I will look to work with the local council in the North Down area, especially on that corridor between Belfast and Bangor. I publish my greenway strategy tomorrow, and part of that is different schemes in that particular part of the world that I think will go some way to alleviating that problem because more can be done in that regard.

Steven Agnew and Stephen Farry also touched on speeding and driving practice. It is important

to stress here too that that is an issue for the PSNI. There could be engagement with the PSNI if you are saying that there are habits of speeding in that particular corridor, and if drivers' practice is not what it should be that should be addressed. It is important to remember — it is in no way a reflection on those who sadly lost their lives — that we know that 95% or more of fatalities and serious road accidents are caused by the driver and the driver's practice and a mistake or whatever made by the driver. It is nothing to do with the road or how a road is engineered. So, we should bear that in mind also.

I am more than happy to pick up the issue of Ballyrobert garage with officials afterwards. I am not aware of anything that has been done to date on that particular one.

With regard to development and bringing more houses in, and there was reference to MOD plans etc around Kinnegar, we know, and it happens in other places, that planning conditions can be put in place to say that, if there is going to be a huge increase in houses, there needs to be improvement to the road as well. So, that is something that we are more than happy to look at going forward.

As I said, if I have missed anything out, I am more than happy to review Hansard, and if any Member wants to correspond with me to raise anything, feel free.

As Minister for Infrastructure, I am very aware of the strategic importance of the A2 Belfast to Bangor road. As has been mentioned, the road carries in excess of 45,000 vehicles per day and upwards of 5,000 vehicles per hour at peak times. It is obviously a very busy road and one of the key routes on our trunk road network.

I would like to clarify that I have taken this debate to concentrate on the stretch of the A2 in the North Down constituency between Tillysburn and the Bangor ring road, a stretch of just over eight miles. As has been pointed out, the road has four lanes along most of its eight miles, and a proportion of this is dual carriageway. Travelling from west to east from the junction with the A55 outer ring at Tillysburn, the road is a three-lane dual carriageway to the Holywood Exchange grade-separated junction. After this, the road is a two-lane dual carriageway continuing past Holywood before reducing to a single carriageway with four lanes to the east of Holywood at the junction with Whinney Hill. The character of the route changes from here, with the presence of a number of private accesses and a series of signal-controlled

junctions. This continues to Ballyrobert, where there is a second length of dual carriageway, which continues to the grade-separated junction with the West Circular Road at Bangor, which is also known as the Bangor ring road. I appreciate that most people in here probably know that better than I do.

The speed limit varies along the road. The national speed limit applies to the two-mile stretch of dual carriageway between Tillysburn and Holywood. There is a 40 mph speed limit between Holywood and Cultra. This one-mile stretch has a plethora of accesses, with seven junctions, five of which are signalised, and there is also a pedestrian-controlled crossing close to Seapark Road.

The next section, between Cultra and Ballyrobert, is three miles long with a 50 mph speed limit. There are 11 junctions, four of which are signalised. The final stretch is the two-mile long dual carriageway from Ballyrobert to Bangor, where the national speed limit applies.

With such a large number of junctions and traffic signals in a relatively confined stretch of road, it is obvious that the balance of safety and traffic progression is a difficult one to accomplish, but it is a balance that my Department's Transport NI works daily to achieve. There are average-speed cameras along the entire length of the road, and these bright yellow structures serve to make motorists aware of their presence. I think that it is pleasing to say that they have had such an effect in the north Down area. Having said that, it remains a very busy and intricate route, which demands full attention from those making their way, especially at peak times.

Regarding safety, I am sure that we all recognise the collisions that have occurred on this road, including the two tragic fatalities that happened this year. There are investigations ongoing, and it would not be appropriate for me to comment further at this time. However, as I did at the outset, I can assure those families affected that my traffic engineers will engage fully with the PSNI to consider whether there are any viable measures that could be introduced to avoid collisions of a similar nature in the future. Road safety will always be a priority for this Department.

Over the past three years, there have been 85 collisions recorded at the 25 road junctions along the route. From the information received from the PSNI, the vast majority of collisions result in injuries that are classified as "slight", and the cause of these collisions fall into these

three main groups: 30 were attributed to driving too close, 17 to the driver's attention being diverted and 24 to drivers not taking care, which means emerging onto the road or crossing, turning or changing lane on the road.

Members will be aware of the many measures that my Department has taken to educate road users with the intention of reducing collisions and injuries on our roads. The statistics serve to reinforce the messages from the Share the Road to Zero initiative and the importance of the responsibility that drivers have to take care for themselves and other road users. That is a message that I would like to reiterate today as we move into the winter season, with darker days and inclement weather affecting visibility. Driving conditions will be more difficult, so extra caution will be required by everybody using our roads.

Members will be aware of the many measures that have been introduced to improve safety along the A2, including the three grade-separated junctions at Holywood Exchange, the Folk and Transport Museum and at the junction with the Bangor ring road. We have also installed signals to control the traffic at 12 of the 25 larger junctions to improve safety and traffic progression. There are a large number of coloured high-friction surfacing zones, which also serve to highlight the proximity of junctions and to improve safety. These measures, along with the speed limits and a wide-ranging programme of traffic signs and road markings all along the route, serve to enhance and improve the safety of the A2 along its entire length. There is also a comprehensive programme of inspection and maintenance to ensure that the road surface is maintained to a high standard.

My Department's traffic control centre also plays an important role in monitoring the road from a safety and traffic progression perspective. The control centre is generally operational from Monday to Saturday and also operates on Sundays, as required, to handle traffic disruption in response to planned roadworks, events or anticipated increased traffic flows such as in the run-up to Christmas. Staff at the control centre monitor a number of CCTV cameras along the A2 between Belfast and Bangor and use this information, based on actual traffic flows, to continuously update traffic signal timings at the junctions along the route.

This live, up-to-the-minute programming of signal timings ensures that the road operates at its maximum efficiency. The control centre also provides live traffic information via the Trafficwatch NI website and on social media

such as Twitter so that road users can be informed of the decisions and plan their journeys more effectively.

**6.30 pm**

It is important that we also touch on wider transport issues. I can advise Members that the numbers of passengers using the train service between Bangor and Belfast have increased significantly, especially at peak hours. There has been an increase of some 20% in passenger journeys over the past five years alone. That reflects the growing importance of our rail infrastructure serving commuters in this part of the world. We often go to improve the roads and road safety, but, sometimes, the answer is off the road and in different modes of transport. We can do more on that between Bangor and Belfast. There is an appetite in north Down for various types of transport, and the answers to some of these problems may lie there.

I recognise that public representatives have raised their concerns about traffic progression and collisions at a number of junctions. We receive many requests, and I can advise that there is a process in place whereby engineering staff review collisions with the PSNI with a view to identifying any common causes that could be addressed by engineering measures.

**Mr Deputy Speaker (Mr Kennedy):** I ask the Minister to conclude.

**Mr Hazzard:** I can add that my Department has long-term plans to improve a number of the junctions along this route to improve road safety. A route study was carried out on the A2 in 2011, and a number of junction improvements were identified. Two particular schemes at Ballyrobert Road and Ballymoney Road have been taken forward to detailed design.

**Mr Deputy Speaker (Mr Kennedy):** Order. The Minister's time is up unfortunately.

*The sitting was suspended at 6.32 pm.*

Suggested amendments or corrections that arrive no later than two weeks after the publication of each report will be considered by the Editor of Debates.

They should be sent to:

✉ **Editor of Debates, Room 248, Parliament Buildings, BELFAST BT4 3XX**

☎ **028 9052 1135**

✉ **simon.burrowes@niassembly.gov.uk**

Hansard reports can be made available in a range of alternative formats, including large print, Braille etc. For more information, please contact:

✉ **Hansard Admin Unit, Room 251, Parliament Buildings, BELFAST BT4 3XX**

☎ **028 9052 1463**

✉ **hansard@niassembly.gov.uk**

The Official Report (Hansard) is licensed under the Open Northern Ireland Assembly Licence, which can be accessed here: [Open Data Licence](#)

[To receive an alert each time an updated plenary report is published, you can follow @NIAHansard on Twitter](#)