

CCBS – LEGISLATIVE AFFAIRS

26/02/2015-05/03/2015



Northern Ireland
Assembly

Monday 2 March 2015

Plenary Chamber

STEM in Schools

Summary:

On a motion relating to the recent publication of the Education and Training Inspectorate's evaluation of the implementation of the World Around Us, the Confederation of British Industry's 'Step Change: A new approach for schools in Northern Ireland' report, Momentum's digital sector action plan and the Engineering UK 2015 report, the Chairperson of the Committee for Education made a remark relating to issues in the recognition by universities in the Irish Republic of particular A-Level qualifications received within Northern Ireland.

Miss M McIlveen (The Chairperson of the Committee for Education): *In closing, I would like to make two additional points. First, Members were concerned to learn that the software systems development A level, as well as other applied A levels, are not recognised by universities in the Irish Republic. I ask the Minister, in his response, to comment on the portability of applied STEM and other A levels to other jurisdictions, as it has the potential to impose a massive roadblock to the educational progression of our young people.*

Link: <http://data.niassembly.gov.uk/HansardXml/plenary-02-03-2015.pdf>

Tuesday 3 March 2015

North/South Ministerial Council: Institutional Format

Summary:

Here the Deputy First Minister provided a statement on the tenth meeting of the North South Ministerial Council in institutional format, held on Wednesday 25 February 2015. Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister) asked the deputy First Minister 'why was there no discussion about reducing the number of North/South bodies proportionately' [with the reduction in Northern Ireland Executive Departments]. The Deputy First Minister responded by highlighting the potential for North South bodies to contribute by pooling resources and taking joint initiatives. Further questions relating to various North South issues followed and can be accessed from the link below.

Mr M McGuinness (The deputy First Minister): *A Cheann Comhairle, Mr Speaker, in compliance with section 52C(2) of the Northern Ireland Act 1998, we wish to make the following statement on the tenth meeting of the North/South Ministerial Council (NSMC) in institutional format, which was held in Stormont Castle on Wednesday 25 February 2015. The Executive Ministers who attended the meeting have agreed that we can make this report on their behalf. The Executive were represented by the First Minister, Peter Robinson, and me. The Irish Government were represented by the Minister for Foreign Affairs and Trade, Charlie Flanagan TD, and Minister of State for Development, Trade Promotion and NorthSouth Co-operation, Seán Sherlock TD. The First Minister and I chaired the meeting.*

The meeting began with a good discussion on a range of issues impacting on the economies in each jurisdiction. The importance of connectivity to encourage economic growth was also highlighted.

In line with the Stormont House Agreement of the 23 December 2014, the Council agreed to note a report presented on new sectoral priorities. Ministerial discussions have taken place at sectoral level focusing on areas of mutual benefit, including economic recovery, job creation and improving service delivery. Ministers will now be asked to formally review the work programmes in their various sectors, and an update paper on these discussions will be brought to the June 2015 plenary meeting. It was also agreed that a paper will be brought to a future institutional meeting on longer-term sectoral priorities and that new sectoral priorities will be an agenda item at future NSMC institutional meetings.

EU matters are discussed regularly at NSMC meetings, as this area presents good opportunities for us to cooperate for our mutual benefit. At the meeting, we received an update on the ongoing ministerial discussions examining the potential for collaboration to maximise drawdown of EU funds across all NSMC areas of cooperation. Ministers agreed that these discussions should continue and that a report should be brought to the next NSMC plenary meeting. Ministers also noted the joint target of €175 million that has been set for drawdown of funding under the Horizon 2020 programme. That will be a challenging target, but both jurisdictions are already working well together to achieve it.

The next item on the agenda focused on various issues relating to the North/South bodies. It was noted that all bodies had prepared business plans for 2015 that will deliver the agreed efficiency savings of 8% compared with the 2013 budget. That is very important given the economic challenges faced by both jurisdictions.

Other governance issues were also discussed. We noted that the boards of the bodies are fully operational, that there have been staffing changes at a senior level across a number of bodies and that the North/South pension scheme is in the process of being reformed. We also noted that the Department of Finance and Personnel and the Department of Public Expenditure and Reform are taking forward a review of the bodies' financial memoranda. The outcome of the review will be brought to a future NSMC meeting.

The Council then considered a paper on board appointments to North/South bodies. We noted that the terms of appointment for some board members of North/South bodies are due to expire later this year, and we considered a proposal on the terms of appointment for board members. That proposal will realign the terms of appointment for board members of implementation bodies and Tourism

Ireland to the new Assembly and Dáil terms. It was agreed that the joint secretariat should investigate that proposal further and that a paper on board member appointments would be brought to the next NSMC plenary meeting.

Ministers then agreed to an amendment to the North/South pension scheme. The amendment will move the scheme to a career average scheme and will link the scheme pension age to the state pension age in each jurisdiction.

We then had a very interesting discussion on the north-west gateway initiative. Ministers noted that, following engagement with key stakeholders in the region on the future direction of the north-west gateway initiative, officials have now consulted with the relevant Departments. The Council also noted developments in relation to local government in the north-west and agreed that a meeting of relevant Ministers be held in the north-west in May 2015, in line with the Stormont House Agreement.

The Council noted the NSMC annual report for 2014, which will be published on the NSMC website before the end of March 2015. Finally, the Council agreed to meet again in institutional format in autumn 2015.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): *I thank the deputy First Minister for his statement. I note that it made several references to the Stormont House Agreement. The deputy First Minister is aware of the commitment to reduce the number of Executive Departments and the number of Members of this legislative Assembly. Why was there no discussion about reducing the number of North/South bodies proportionately, perhaps putting a focus on the economy, which is consistent with our Programme for Government?*

Mr M McGuinness: *As the Member said, there was no discussion about any reduction in the number of North/South bodies. The North/South bodies are already being impacted by the outcome of discussions between the relevant Finance Ministers, North and South, over the last short while. Given the reports that we have received about the effectiveness of the North/South bodies, it is very clear that they bring enormous benefits to North and South.*

As I said, the fact that we have agreed to look at new sectoral priorities, which places a responsibility on Ministers, North and South, to look at how we can gain further advantage by working ever closer together, means that there is an argument going in the other direction: we can save money, pool resources and take initiatives, such as the initiative for the construction of the radiotherapy unit at Altnagelvin hospital. Look at the work that has been done through InterTradeIreland. There have been recent discussions between our Health Minister and the Health Minister in the South, Leo Varadkar, about children's cardiac services. I understand that our Health Minister will make a further statement on that to the Assembly today. All that argues for us to continue to build the levels and areas of cooperation that can bring enormous benefits, North and South.

Link: <http://data.niassembly.gov.uk/HansardXml/plenary-03-03-2015.pdf>

Congenital Cardiac Services: Future Delivery Mode

Summary:

In a statement to the house, Minister Wells confirmed that a new all-Ireland children's heart service to be located in Dublin has been given the go-ahead. Following a public consultation, Minister Jim Wells confirmed that he has agreed to accept and implement all recommendations of the International Working Group (IWG) on Congenital Cardiac Services. The new clinical network will be established from 1 April, comprising of a Cross-Jurisdictional Oversight Group and all-island Clinical Network Board. It will be chaired by Dr Leonard O'Hagan, who is the chief executive of the Royal College of Physicians of Ireland.

Mr Wells (The Minister of Health, Social Services and Public Safety): *I am grateful for the opportunity to make a statement to the Assembly regarding my final decision on the recommendations of the international working group (IWG) on paediatric congenital cardiac services, which the Minister for Health in the Republic of Ireland, Leo Varadkar, and I published on 14 October 2014. In publishing the report, Minister Varadkar and I stated that we had both agreed to accept all the IWG's recommendations and were committed to their full implementation, subject to the outcome of any necessary consultation.*

The public consultation in Northern Ireland closed on 23 January 2015. Following an evaluation of the responses received by my Department, I can now confirm that all of the IWG's recommendations will be implemented to create an all-island congenital heart disease network to meet the needs of the populations of Northern Ireland and the Republic of Ireland. Minister Varadkar and I have issued a further joint statement today which provides details of the governance and operational arrangements for the network. I will say something further about those in a moment. Before I do so, I would like to thank all those who responded to, and took part in, the public consultation. This includes the patients, their families, the charities who represent them, clinicians, other stakeholders and indeed those Members of the Assembly who attended the public meetings.

I have now published a report containing a full analysis and key points from the consultation on the Department's website. In total, 156 written consultation responses have been received, including 20 from organisations and 136 from individuals. Combined with the feedback that was gathered through a series of public meetings which were held throughout Northern Ireland, the responses reflect a range of views that are broadly supportive of the positive change in the service, but tempered, and understandably so, by a degree of concern over how this will be implemented and managed. Insights were given not only on the 14 recommendations specifically, but on wider related areas of concern which are felt by families affected by congenital heart disease.

The majority of the IWG's recommendations were overwhelmingly supported and seen as positive developments for congenital heart disease patients in Northern Ireland, provided they are delivered in full and that families have a say in how the future service is delivered. Although there was broad acceptance of the IWG's expert view, opinions were divided regarding the recommendation to cease paediatric congenital cardiac surgery and interventional cardiology in Belfast. However, I must emphasise that no alternative viable solution was proposed that would allow these procedures to continue to be delivered in Belfast within current international standards. The majority of

respondents accepted that to provide these procedures in Dublin in the long term would be preferable to the other viable alternative, which is that the majority of surgery and interventional cardiology would be provided by heart centres in England for Northern Ireland patients.

The majority of respondents stated that their preference was to see the 14 recommendations implemented in full; a one all-island model that meets the needs of both jurisdictions, providing that Northern Ireland would be an equal partner in such a model. In this regard, respondents expressed their strong preference to see the retention and enhancement of specialist paediatric cardiology skills in Northern Ireland as this would ensure the continued local provision of life-saving skills, particularly in emergency cases. I will have more to say about this vital aspect in a moment.

It is clear from the public consultation that there is significant support in the community for the all-island model that is recommended by the IWG and acceptance of my decision to end paediatric congenital cardiac surgery at the Belfast Trust, which was effective from 31 December 2014. When I read the IWG's report last October, my instinct was that their proposed model was the right way forward for these vulnerable patients and their families. However, I felt that it was right to give them, the clinicians who provide this important service and the public the opportunity to have their say.

Whilst I fully understand the concerns expressed about the ending of surgery in Belfast, we really had to accept that given the overwhelming clinical evidence that we simply do not have sufficient patient numbers to meet the vigorous international standards required for the treatment of this condition. Indeed, this was the fourth report that I or my predecessor, Mr Poots, had received saying that this had to happen: we simply did not have enough children to retain the specialist paediatric cardiac surgery which was required. The model proposed by the IWG means that these children will have their surgery in Dublin, within a reasonable travelling distance from their homes, with their pre- and post-operative care being delivered in Belfast.

Therefore, having fully considered the outcome of the public consultation, I confirm my acceptance of all of the IWG's recommendations and reaffirm my commitment to work with Minister Varadkar on their full implementation. We have, therefore, published today a further joint statement that sets out the governance arrangements for the all-island clinical network, which will be established from 1 April 2015. That comprises a cross-jurisdictional oversight group and an all-island clinical network board. The cross-jurisdictional oversight group will comprise the Chief Medical Officers and senior administrative management of the Department of Health, Social Services and Public Safety in Northern Ireland and the Department of Health in the Republic of Ireland. It will have overarching responsibility for oversight of the implementation of the recommendations of the IWG report to provide information and assurances to myself and Minister Varadkar.

The all-island congenital heart disease network board will comprise patient representatives, clinicians — doctors, nurses and other specialists — key service providers and commissioners to implement the IWG's recommendations. Its work will reflect the phased approach to the implementation of an all-island model, concentrating initially on services for paediatric and young adult patients and progressing to adults with congenital heart disease. The board will be responsible for the day-to-day operational and clinical management and delivery of the service. It will have several subgroups to provide advice on specific issues of the service, including a family liaison group. The network board will be chaired by Dr Len O'Hagan. I am delighted that Dr O'Hagan has agreed to undertake that role, and I believe that his track record in chairing complex organisations will provide the foundation that

the network needs in melding together the clinical and managerial elements of an effective operation.

Minister Varadkar and I have approved the framework document for the governance of the network to be implemented by the network board, and it has been published on the Departments' websites today. The network board will take forward a phased implementation of the all-island network over the next 15 to 18 months. The phasing reflects the need to build up capacity and staffing at Our Lady's Children's Hospital, Crumlin, which is in Dublin, to accommodate Northern Ireland's patient demand for those services. That will commence on 1 April 2015, with paediatric interventional cardiology being provided to Northern Ireland patients in the Crumlin hospital by Belfast Trust cardiologists. I hope that the dates that I am setting out indicate the speed and urgency with which we are moving on this, which we regard as necessary for this very important issue. That is a very welcome start to the new network, and I commend all the clinicians, nurses and managers who have worked together to deliver it. We have had excellent cooperation from the authorities in the Irish Republic on the issue. It has gone extremely smoothly, and there is definitely a buy-in from both jurisdictions to the issue.

I referred to the phased nature of the implementation of the all-island network. In addition to building up the capacity in Crumlin, we need to maintain the existing contingency arrangements with specialist heart centres in England and to take forward the work on developing a specialist cardiology centre in Belfast, combined with a strengthening of the Northern Ireland cardiology network.

During the interim period, we need to continue to ensure that a suitable and safe contingency arrangement is in place to provide surgery for Northern Ireland patients. All elective surgery will, therefore, be carried out in centres in England — in Birmingham and London — whilst provision also exists for patients requiring emergency treatment to be sent to London or to specialist centres in England. Again, I express my thanks to the clinical teams in Birmingham and Evelina children's heart hospitals for the service that they provide to Northern Ireland children and their families.

With regard to the children requiring emergency surgery, I know that Members have expressed concern about the future arrangements for diagnosis of children in the north and northwest of Northern Ireland, for whom transfer time to Dublin could take longer. Ultimately, it will be for the clinicians to decide during the interim period whether a child should be transferred directly to Our Lady's Children's Hospital in Crumlin or whether that child should transfer directly from the Belfast Trust to England.

A key aspect of the single-service model is that, when it is fully implemented, it will have the capacity to deal with all emergency cases. However, it will take some 12 to 15 months before the model is fully in place and operating to capacity. Therefore, in the short to medium term, the Health and Social Care Board and the Belfast Trust will continue to manage the current service level agreements between service providers in Northern Ireland, the Republic of Ireland and England, where appropriate. It is most important that the existing SLAs continue to operate, are augmented as necessary to enhance the current arrangements and are quickly replaced by the single service model that the international working group proposed.

To assist with the increased workload arising from the transfer of more Northern Ireland patients to England and Dublin, my Department has approved an additional specialist family liaison nurse post

at the Belfast Trust, with effect from 1 April 2015, to ensure that the children and their families receive the maximum assistance needed to help them at what is often an extremely worrying time for them.

In closing, I reiterate that I am delighted to confirm my support and approval for the all-island congenital heart disease network to be established. This represents a tremendous opportunity to build on the respective strengths of the children's heart centres in Belfast and Dublin through the creation of an all-island service that, I believe, has the potential to provide world-class facilities, services and outcomes for those vulnerable children and their families from across the island of Ireland. This is a prize to be strived for, and I send my best wishes to the clinicians, managers and family representatives who will work together to deliver the new service.

Link: <http://data.niassembly.gov.uk/HansardXml/plenary-03-03-2015.pdf>

Energy Prices

Summary:

During questions to the Minister for Enterprise, Trade and Investment, the Minister was asked a series of questions relating to energy prices. In response the Minister highlighted the importance of having a North/South interconnector in place due to the adverse impact of increased energy costs for consumers on the island of Ireland.

Mr Flanagan: *Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a freagra. I thank the Minister for her answers. The Minister might accept that the high price of energy and electricity for large energy users and manufacturing companies is a barrier to attracting and retaining jobs in the manufacturing sector. What action has she taken to support large energy users that face uncompetitively high energy costs compared with their counterparts around Europe?*

Mrs Foster: *As he knows, we have consulted the Utility Regulator on that very important issue. Of course, 60% of the cost of energy for large energy users is the wholesale price. As I said, that is moving in a downward direction at the moment, and I hope that that will come through to those large energy users as their contracts start to change in the future. It is important as well that we deal with constraints on the single electricity market, and that includes the North/South interconnector. It is important that we have that in place, because, at the moment, that is costing consumers on the island of Ireland around €20 million. I am sure that he would agree that it is unacceptable for us to proceed in that manner.*

Joint Oireachtas Committee on European Union Affairs

Possible Exit of UK from European Union: Discussion (Resumed)

Summary:

During one of the committees continued meetings considering critical issues for Ireland in the event that their neighbour, the United Kingdom, decides to exit the European Union, Professor Imelda Maher (UCD) highlighted to the Committee the issue of cross-Border workers, as “many people move between North and South and there is significant commercial activity around the Border.”

Professor Imelda Maher: *I read something Professor David Phinnemore, professor of European politics at Queens University, Belfast, wrote in anticipation of such a question. He points out that 25% of Northern Ireland's non-UK trade is with Ireland. We have been talking a great deal about people, but the customs question is also important. He also notes the dividend from the peace agreements. A total of €150 million in grants will be given to Northern Ireland by the EU between 2014 and 2020. I suspect, given the Deputy's comment about how long all this will take, that this money will be spent before the UK has left the EU, but it is still a sizeable sum. There is also the issue of cross-Border workers. Many people move between North and South and there is significant commercial activity around the Border. Professor Phinnemore's concern is that there is not enough discussion about the Northern Irish dimension in the Great Britain debate because it is so small relative to the rest of the UK. Nonetheless, that raises issues, particularly in Ireland.*

The other context that ties into that is the negotiations around TTIP and CETA. The free trade agreements with the US and Canada need to be factored into the trade and commercial aspect of this debate.

There will be a referendum, but there are two kinds of referendum on Europe in the UK context. One is the political promise by the current Prime Minister to hold a referendum should he be elected following the next election, and that is what is focusing the mind. That is the Brexit dimension, with which we are concerned. However, there is also the EU Act from 2011, which guarantees a referendum in the event of substantial treaty change in the Union. Mr. Cameron has been doing his best to avoid getting embroiled with that legislation, but that avoidance can only last for so long. That is not particular to the current government; it would have to be dealt with by any government. At some point, the UK will have to bite the bullet on that. That legislation is complicated, with lists of items that have to be included in order to decide, but it will trigger a referendum at some point. I hope that is clear enough.

With regard to the patent court, location can shift. I hope that is not complicated. I had not realised they were going to be there.

We are cognisant of the idea of the weakening of relations across the UK and the disintegrating union after the Scottish referendum, and this needs to be factored in, especially if Scotland votes "Yes". Professor Sionaidh Douglas-Scott, a Scottish national based in Oxford, has written about this and reflected on it considerably. It might be necessary to talk to the Scots as well as to the House of Lords.

The Deputy's point about this taking years is important, and my advice to the committee would be not to let it take years and years. Ireland has a particular voice to present in the EU context should the UK vote to exit and one of the statements Ireland will want to make is that Article 50 should not drag on, so that the exit takes too long, because it will pay a higher price for a delay than any other country. That is a fair comment to make in this context.

Link: <https://www.kildarestreet.com/committees/?id=2015-02-26a.1251&s=cross+border#g1270>

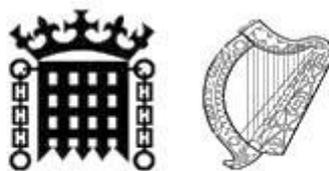
Wednesday 25 February 2015

Seanad Éireann

Summary: During a Seanad debate, Eamonn Coghlan commented on a number of recent instances of positive cross-border cooperation. In particular, Coghlan welcomed the decision from the Northern Ireland Minister for Health, Social Services and Public Safety for an all-island paediatric cardiac surgery.

Eamonn Coghlan (Independent): *The sports they represent show wonderful cross-Border co-operation. Today, the Northern Ireland Minister for Health, Social Services and Public Safety, Jim Wells, formally indicated in Stormont that Our Lady's Children's Hospital Crumlin will become the national centre in Ireland for paediatric cardiac surgery, another example of the co-operation between health services, North and South. Over 140 children in Northern Ireland and over 400 here in the South require open heart surgery annually. It is wonderful to see this co-operation between the two. The Royal Victoria Hospital will continue to give pre and post-surgery care to those children. I congratulate the Minister for Health, Deputy Varadkar, on co-ordinating the services, North and South, to help children with serious heart conditions.*

Link: <https://www.kildarestreet.com/sendebates/?id=2015-03-03a.39&s=cross+border#g60>



BRITISH IRISH PARLIAMENTARY ASSEMBLY

Monday 24 February 2015

IRISH AND BRITISH POLITICIANS CALL FOR CRACKDOWN TO CURB ILLICIT CROSS BORDER TRADE

A Committee of Irish and British politicians has this morning called more determined action north and south of the border to eliminate the activities of organised crime gangs involved with cross-border illicit trade, including the establishment of a permanent, full time multidisciplinary task force.

In a report launched today Monday 23 February, Committee A of the British Irish Parliamentary says that more serious penalties, including more lengthy custodial sentences for illicit trade activities, in order to make the island of Ireland a more difficult place for criminal gangs to operate.

The report, entitled *Cross-border Police Cooperation and Illicit Trade* was adopted at the 50th BIPA plenary session, taking place over the course of today and tomorrow in the Seanad chamber.

The Committee is particularly alarmed by the evidence of the widespread presence of fuel laundering plants and filling stations selling illicit fuel in border regions and further afield. Consequently, the Report stresses that those involved must not be allowed to continue this illegal activity and every possible effort must be made by law enforcement authorities in their collaborative efforts to shut down these operations, despite the difficulties in policing some of these areas.

Other recommendations include that:

- Legislation be updated to ensure operators of filling stations, who are successfully prosecuted for selling laundered/illegal fuel, cannot simply reopen again after a few weeks, as happens at present;
- On-the-spot fines be introduced for consumers found to have knowingly purchased illicit commodities.
- Gaps in enforcement where gains could be made by targeted investment and increased funding be identified.

The Chair of Committee A Senator Paul Coghlan says: "Illicit cross-border trade, particularly in fuel and cigarette smuggling, is a huge issue impacting on the lives of citizens and small businesses on both sides of the border. This report focuses on how the PSNI and An Garda Síochána, and the Northern Ireland Executive, Irish Government and other law enforcement agencies, work together, particularly in light of the devolution of policing and justice powers and the launch of the Cross-Border Policing Strategy in 2010. The Committee was hugely encouraged by the on-going positive

cooperation in this area and believes that its series of practical recommendations, if implemented, can build on this good work.

“On behalf of the Committee, I wish to extend my sincere thanks to those who assisted with this inquiry and through a series of meetings in Dublin, Belfast, Armagh and Louth. We are particularly indebted to Minister for Justice and Equality, Frances Fitzgerald TD, Minister for Justice, David Ford MLA, the Garda Commissioner, Nóirín O’Sullivan; the Chief Constable of the Police Service of Northern Ireland (PSNI), George Hamilton; members of An Garda Síochána and the PSNI; the Chief Executives of Monaghan, Louth and Donegal County Councils; Members of the PSNI in Crossmaglen and members of an Garda Síochána in Dundalk; representatives Retailers Against Smuggling and the Petrol Retailer’s Association; and from Grant Thornton Ireland who produce an annual report on the fiscal losses incurred as a result of illicit trade.”

Link to report: <http://www.britishirish.org/assets/CommitteeAFINAL.pdf>