
Northern Ireland Assembly

Tuesday 22 June 2010

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

Members observed two minutes' silence.

Ministerial Statement

Capital Review

Mr Speaker: Order. The first item on the agenda was to be a statement from the Minister of Education. The Minister is not here and that business will fall.

Executive Committee Business

Clean Neighbourhoods and Environment Bill: First Stage

The Minister of the Environment (Mr Poots):

I beg to introduce the Clean Neighbourhoods and Environment Bill [NIA 31/09], which is a Bill to make provision for the gating of certain minor roads; to make provision in relation to vehicles parked on roads that are exposed for sale or being repaired; to make provision in relation to abandoned vehicles and the removal and disposal of vehicles; to make provision in relation to litter and graffiti, fly-posting and the display of advertisements; to make provision relating to the control of dogs; to make provision in relation to noise; to restate the law on statutory nuisances and improve the summary procedures for dealing with them; to increase the maximum penalty in relation to certain pollution offences; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Mr Speaker: The Bill will be put on the list of future business until a date for its Second Stage is determined.

Housing Amendment (No. 2) Bill: First Stage

The Minister for Social Development

(Mr Attwood): I beg to introduce the Housing Amendment (No. 2) Bill [NIA 32/09], which is a Bill to amend the law relating to housing.

Bill passed First Stage and ordered to be printed.

Mr Speaker: The Bill will be put on the list of future business until a date for its Second Stage is determined.

Welfare Reform Bill: Further Consideration Stage

Mr Speaker: I call on the Minister for Social Development to move the Further Consideration Stage of the Welfare Reform Bill.

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

Mr Speaker: As no amendments have been selected, there is no opportunity to discuss the Welfare Reform Bill today. Members will, of course, be able to have a full debate at Final Stage. Further Consideration Stage is, therefore, concluded. The Bill stands referred to the Speaker.

Because of the non-appearance of the Minister of Education, business has moved forward much more quickly than expected. I, therefore, ask the House to take its ease before we move to the Second Stage of the Safeguarding Board Bill.

Assembly Business

The Chairperson of the Committee for Education (Mr Storey): On a point of order, Mr Speaker.

Will you advise the House on the status of the statement that the Education Minister was due to make this morning? As Chairperson of the Education Committee, I received a copy of the statement just two minutes before coming into the Chamber. However, no copies were available for other Members, which is totally unacceptable. Given that the Minister is unable to be here for whatever reason, will you rule on the status of her statement and explain what action you plan to take in respect of her handling of the situation?

Mr Speaker: I thank the Member for his point of order. First, the statement has not been delivered to the House. Secondly, Standing Orders are absolutely clear: a Minister must, as far as possible, provide Members with his or her statement at least 30 minutes before he or she is due to deliver it in the House. If that is not possible, the Minister concerned must explain the reason to the House.

I am sure that the Minister may wish to make the statement to the House in future, and those are questions that the Member and other Members may wish to ask her. Certainly, the Minister owes the House an explanation as to why she was absent this morning and could not, therefore, make her statement and why Members did not receive the statement 30 minutes before it was due to be made. As we know, the statement has not been made.

Executive Committee Business

Safeguarding Board Bill: Second Stage

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I beg to move

That the Second Stage of the Safeguarding Board Bill [NIA 25/09] be agreed.

The importance of safeguarding children and young people in our society has long been recognised by government and is a matter that I and my Executive colleagues take extremely seriously. We are all only too well aware of the high-profile cases and inquiries that have demonstrated the need for system improvements, not least to the way in which agencies and organisations work together to safeguard children.

Historically, social services and the PSNI have been viewed as the lead agencies that intervene to protect children who are at risk. It is for those agencies to continue to do so — the establishment of the Safeguarding Board for Northern Ireland (SBNI) is not needed to dilute those services. However, I emphasise that safeguarding children is everyone's business: Ministers; Departments; local government; the statutory, voluntary and community sectors; and the public all have an important role to play. It is essential that all agencies and organisations, and all who provide services on their behalf, are clear about their responsibilities towards children. There is a need to ensure that collective responsibilities are reflected in our systems and structures and that safeguarding children and promoting their welfare remains high on everyone's agenda.

The current arrangements for a regional child protection committee supported by the five health and social care trust child protection panels were established as administrative arrangements only. In the past, under the legacy boards, area child protection committees and panels were criticised for lacking focus and strategic perspective. Therefore, it is fundamental that we put in place the very best structures to facilitate interdepartmental, inter-professional and inter-agency co-operation, with an emphasis on prevention and keeping children safe.

As an Assembly and an Executive, we need to be mature about the difficult choices that

we face. How we invest in and protect our children speaks volumes about the type of government and community we are and hope to be in the future. I firmly believe that the Bill to establish a new statutory Safeguarding Board is a significant milestone for Northern Ireland. The Safeguarding Board will embody the truly joined-up approach that is needed to tackle all factors that have an impact on children's safety and welfare.

Today, many agencies work with families who are very often overwhelmed by economic circumstances, physical health problems, mental health problems, dependence on alcohol or other substances, experiences of domestic or sexual violence, or, perhaps, by the complex and difficult task of being a parent in today's society. More than 21,000 children in Northern Ireland are referred to social services every year. At any time, approximately 2,500 children are in care and more than 2,000 children are on the child protection register. Those statistics tell only part of the story of the number of families and children who need help and of the help that they are getting. In Northern Ireland, 40,000 children live in families in which there are substance abuse problems. At least 11,000 children live with domestic violence on a daily basis and, every year, more than 1,000 children are added to the child protection register.

It is important that we invest in the future fabric of our society so that fewer families reach crisis point and fewer children suffer harm. The Bill supports the wider safeguarding agenda, which includes prevention and early intervention. It is also about acknowledging and understanding that protecting children is very often about helping to address the needs and problems of vulnerable adults and many parents whose ability to care for their children has been compromised.

10.45 am

If we are serious about prevention and early intervention to protect children and to deliver wider benefits to society, we have to prioritise services in that area. That is why I have invested in that area and strengthened front line child protection services by establishing gateway teams in every trust in Northern Ireland. That includes addressing broader structural issues about how agencies and organisations that deal with housing, education, social care and criminal justice as well as issues such as mental health,

substance abuse, domestic violence, sexual violence and neglect, work together strategically to improve outcomes for children.

First, I want to stress that the establishment of the Safeguarding Board is not a rebranding exercise; it is a tangible commitment from us to be there for children and to put them at the heart of everything that we do. The creation of the Safeguarding Board is a critical step in strengthening our current arrangements for inter-agency co-operation on protecting children. That will ensure co-operation on safeguarding arrangements at the highest level within Departments, local government and the statutory, voluntary and community sectors.

Of course, the creation of a new organisation will not, in itself, change things. A fundamental shift in thinking is needed to make sure that all children receive the services that they need as those needs arise. The establishment of the Safeguarding Board will bring that required change of thinking, practice and culture, and ensure that agencies that work with children and families discharge more effectively their responsibilities to safeguard and promote the welfare of children and to work together to improve outcomes for children.

There has been a full public consultation, which overwhelmingly endorsed the policy proposals and informed the Bill. My Department has also undertaken further engagement with key stakeholders, which has been of great help in refining the detail of the Bill. A broader stakeholder reference group has also been established and includes statutory organisations and a greater number of NGOs.

The Safeguarding Board Bill will provide the necessary legislative framework for the creation of the new regional Safeguarding Board for Northern Ireland to be sited within, and supported by, the Public Health Agency. The objective of the Safeguarding Board for Northern Ireland will be to co-ordinate and ensure the effectiveness of what each person or body represented on the board does for the purposes of safeguarding and promoting the welfare of children.

I will highlight some of the key elements of this important piece of legislation. Clause 3 sets out the functions that the Safeguarding Board must undertake, which include developing policies and procedures to safeguard and promote the welfare of children in Northern

Ireland; promoting an awareness of the need to safeguard and promote the welfare of children; keeping under review the adequacy and effectiveness of what members do to safeguard and promote the welfare of children; undertaking case management reviews in such circumstances as may be prescribed; reviewing such information, as may be prescribed, in relation to the deaths of children that are normally resident in Northern Ireland; advising the Health and Social Care Board and local commissioning groups on safeguarding and promoting the welfare of children; taking reasonable steps to promote communication between the Safeguarding Board and children and young people; and making arrangements for consultation and discussion on the safeguarding and promotion of the welfare of children.

Clause 7 places a duty on the Safeguarding Board to establish three specific types of Committee. First, a safeguarding panel will be located in each health and social care trust's geographical area. The safeguarding panels will play a vital part in providing the necessary support for the Safeguarding Board. The role of the safeguarding panels will primarily be co-ordinating and operational in nature. Their membership will come from a wide range of interests, disciplines, agencies and providers of children's services.

Secondly, in respect of case management review panels, we are proposing that SBNI assumes responsibility for case management reviews when a child has been seriously harmed or has died, and abuse is a known or suspected factor.

Thirdly, the child death overview panel will take forward two interrelated child death review processes. The first will consider information on regional patterns and trends relating to all child deaths. The second will identify learning from sudden or unexpected child deaths. That will strengthen child death review arrangements in Northern Ireland.

Clause 10 places a general duty of co-operation on the Safeguarding Board and its member agencies, and vice versa. The need for co-operation makes perfect sense, and it is only right that those working together to safeguard children do not work in silos as though their responsibility comes to an end at professional and organisational boundaries. If the child is truly at the centre of the system, agencies and individuals must work

together and communicate seamlessly across interdisciplinary boundaries.

Clause 11 seeks to place a duty on bodies to supply information requested by the Safeguarding Board, and sets out the specific conditions to be satisfied before requests for information can be met. Sharing information with the right people at the right time is the only way in which a complete picture of a child's circumstances can be constructed. It also helps professionals across the whole range of services to see the complete picture, and not to allow children at risk of harm to remain invisible to those who can help them.

Clause 12 introduces a new duty and interrelated functions designed to protect and safeguard children. It is proposed to introduce a duty on relevant statutory agencies and bodies to make arrangements to ensure that, in discharging their statutory functions, they have due regard to the need to safeguard and promote the welfare of children in Northern Ireland.

I am convinced that the measures proposed in the Safeguarding Board Bill represent a very important step forward in setting up necessary links and tightening the knots in the vital safety net for safeguarding and promoting the welfare of children in Northern Ireland.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):

On behalf of the Committee for Health, Social Services and Public Safety, I welcome the Bill and its intentions to strengthen safeguarding arrangements in Northern Ireland. It will do that by placing a fundamentally important part of child protection and its workings on a statutory footing. The Committee is delighted to see that the Bill will create a Safeguarding Board — SBNI — on which the Committee is extremely keen. The protection of children is everyone's business, and we congratulate the Minister on getting the Bill into the legislative programme and before the Assembly.

This is an incredibly timely issue. Not a week goes by without some dreadful headline in the newspapers about young children being exposed to all types of physical and sexual abuse. Therefore, the Bill could not come at a more opportune time as far as those involved in child protection are concerned. The Committee has spent considerable time doing pre-legislative scrutiny of SBNI, and knows exactly what it wants the Safeguarding Board to do. The

Committee has clear views on the approach that the Department should take.

At Committee Stage, we will examine how closely the Bill delivers what we feel is desirable. After a cursory examination, however, the Committee may have issues, particularly around the concept of independence, as proposed in Lord Laming's work.

On behalf of the Committee, therefore, I will outline the key principles that we want the Bill to address. The Committee is in complete agreement with the underlying principle of the Bill, which is to provide a legislative framework to establish a Safeguarding Board for Northern Ireland. The Safeguarding Board's purpose will be to co-ordinate and ensure the effectiveness of all organisations that are involved with and promote the welfare of children. I do not think that a single Member of the House could not say "Hear, hear" and sign up 100% to those objectives.

The Safeguarding Board will replace a number of structures known as area child protection committees. Although well meaning in their own right, it appears that those committees have no real teeth or focus. Their lack of legislative basis means that they sometimes struggle to move forward.

During pre-legislative scrutiny, we consulted with groups that are working on child protection, and we took oral evidence from the voluntary and statutory agencies that would be involved in the operation of the board. We also heard from two witnesses who are experts in the English system. We intended to travel to Bolton and Bradford to study at first hand the operation of safeguarding boards in GB, but, unfortunately, we were one of the first victims of the volcanic ash cloud, and we did not get a chance to go on the day in question. That was unfortunate, but it was just one of those things.

On 22 April 2010, the Committee was briefed by departmental officials, and it saw the draft Bill for the first time. As I said earlier, although the Committee supports the principles of the Bill, it has identified a number of issues that it believes are vital for its effective operation. Perhaps the single most important issue for the Committee is the independence of SBNI. By that, we mean that SBNI must be able to be a critical friend. It should be able to tell the Department and other bodies where they are going wrong. The Committee's initial and very

preliminary discussions of the draft Bill in April show that it appears that the Committee doubts that the Bill will allow that to happen to the extent that it would have liked.

I will outline one element that worries the Committee. Evidence that was taken from stakeholders working in child protection and those who are experienced in the safeguarding boards in England indicated that it is essential that the board be independent. However, according to clause 3, the Department's approval is required before the board can publish any materials or documents. The Committee's first glance at that clause made it believe that the board's independence and its ability to be that critical friend could be restricted. Some Committee members are concerned that that represents a veto. Whether that is real or perceived, the Committee feels that that provision could fetter the board and hinder it in its role.

I shall speak now on a personal level, rather than as a Committee Chairperson. The overall feel of the Bill is that the Department lies somehow outside the arrangements of the Bill, except in its oversight capacity and its ability to have a veto on many areas. However, we know that if SBNI is to work and be successful, the Department needs to be an equal partner.

Another crucial factor for the board's success is the size and seniority of its membership. When we took evidence from the NSPCC on 25 February 2010, it pointed out that the board must be large enough to represent the various agencies and disciplines that work in the field of child protection, but that it must be small enough to be manageable. It is also vital that those sitting on the board are at such a level that they can make decisions on behalf of their organisations and commit those bodies to their decisions. We were told in the strategic policy document that the Department produced, which the Committee felt was an excellent piece of work, that most organisations would be represented on the board by their chief executives or by very senior representatives. That person would generally have delegated authority. We examined the issue in great detail and considered whether that level of seniority is correct. However, given that the Bill does not prescribe the detail of the level of representation, it will be dealt with in subordinate legislation. The Bill allows for that through the route of negative resolution, and the Committee will examine whether it is

appropriate. The Committee's initial view is that it prefers the route of affirmative resolution for the subordinate legislation.

The Committee will examine in detail who should sit on the board, and it will consider the lack of input from the judiciary. The Committee considers that to be seriously lacking. Whenever children attend court, the application of the law is a serious and essential part of child protection. Although there was perhaps consensus in the Committee that members of the judiciary need not sit on the board, members felt that they would like to see some linkage to the Children Order Advisory Committee. The Committee will, therefore, explore in detail with the Department how that linkage should be made. Such a discussion will ensure that the matter is placed on public record.

The Committee is also concerned about the lack of medical representation on the board. Often the first people to become aware of physical abuse are the nurses and doctors in A&E. We want to see people with some links to that expertise on SBNI.

It is also important that we focus clearly on core issues and learn the lessons of the experiences in England, where safeguarding boards have been in place for four years. It is useful that, in this instance, we have the experience of the situation in England and Wales over those four years to learn from. We can learn from any mistakes that were made and benefit from any successes. We hope that, as a result of that, our legislation would be of an even higher standard than that for the rest of the UK. That is why the Committee is keen to learn from those who have had a reasonable period of involvement in this very important issue.

11.00 am

It is important that board members understand from the start what is expected of them in their role and what their responsibilities are. That fact came out strongly in Professor Alan France's evaluation of the English boards. A scattergun approach or too wide a remit can lead to the dilution of results. The Committee agrees with the assessment that the most successful English boards are focused and realistic. There is a fine line between the role and remit being inspirational and being achievable. We will examine the remit of the board in some depth, but we are initially pleased to see that its objectives must be set by affirmative resolution.

The Committee took evidence from Professor Jan Horwath of the University of Sheffield on 4 March 2010. She was able to share her experience of working with child protection committees in England and Wales, and she emphasised the importance of an independent chairperson. The crucial role that the chairperson will hold will be a recurring theme during the Committee Stage. Witnesses, including representatives from Children in Northern Ireland (CiNI), also made the point, with which the Committee agrees, that the right person is essential for the post and that that person must be independent. The Bill will allow that the appointment process be done by regulation.

The appointment of the right chairperson to the board will be a crucial task in the process. One has only to look at the criteria required to see that he or she will have to be an extremely highly motivated and capable individual. When we get to that stage, the Committee will be interested to see how the Department goes about that appointment; we cannot overemphasise how important that role is. The Committee will examine that clause in detail and may need to be convinced that the regulations should continue to be subject to negative resolution. We will watch developments with interest.

The Committee is aware of issues surrounding case management reviews and child death reviews. There have been questions about who has been responsible for what. The Committee looks forward to discussing that with departmental officials and will go into detail at Committee Stage. We are delighted to see that those functions are identified as being core to the board and are in full agreement with that, but we note that the detail will be in the subordinate legislation. It is also important that there are clear links with the Coroners Service, the police and the Court Service. There will be keen discussion with officials on that aspect.

The establishment of subcommittees and local panels is outlined in clauses 7 and 8. Those groups have been identified as a critical factor in the success of boards in GB, and I am sure that that will be the case here. They will be the engine room of the proposed SBNI — its driving force.

Many groups who spoke to the Committee, including Children in Northern Ireland, stressed the need for a duty to co-operate with the Safeguarding Board. Therefore, we were pleased

to see that duty made statutory in clause 10. However, we note that it applies only to organisations named in the Bill, and we wonder whether it should be applied more widely. I am sure that the Minister will examine that and let us know why he has been so specific in outlining named organisations.

Overall, we are delighted that the Executive has decided to proceed with the Bill, and we look forward to getting into its detail during Committee Stage.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. I apologise for being late and missing some of the Minister's introductory remarks.

I am delighted that the Bill has reached this stage. As the Chairperson of the Health Committee stated, safeguarding is everyone's business. Sinn Féin welcomes the Bill's broad principles and its intention to ensure that we have strengthened safeguarding arrangements that will protect the most vulnerable children. We will have measures designed to improve interagency co-operation on child protection at the highest level in Departments and bodies throughout the health and social care system, and I will explore that further in my contribution.

As the Minister said, the Bill will ensure a legislative framework for the creation of a new Safeguarding Board that will have five safeguarding panels, one in each of the health and social care trusts. It is also important to point out that safeguarding is a relatively new term, which is broader than child protection as it includes prevention. The Committee learned of that early in its pre-legislative consultation with various groups. As the Committee Chairperson said, many groups provided the Committee with their expertise in child protection. We also spoke to the Department to tease out issues about which we had concerns or queries.

The Bill is an important piece of legislation, and we want to ensure that we take the time needed to call on all the experts to examine best practice as we move through Committee Stage. Given the evidence that we heard, some issues still need to be clarified and strengthened in the proposed legislation, and I will address them in turn.

The first is the duty to co-operate, which, Sinn Féin is concerned, is not clearly defined. We welcome the duty to co-operate being included in the legislation but are not sure how it would work in practice and how any sanctions would

be applied when bodies do not co-operate. I am still uncertain about who would hold such bodies to account. Sadly, we are all aware of high-profile cases such as that of the McGovern/McElhill family, which was discussed in the House recently. At that stage, it was clear to all that, although the agencies worked well independently, the failure occurred in working collectively. My party colleague Claire McGill will pick up on that point later in the debate, so I will not elaborate. However, perhaps the Minister will say more about how he sees the duty to co-operate and accountability working.

That leads me to the issue of who will ultimately be accountable for the work of the Safeguarding Board. Will it be the so-called independent chairperson; the chief executive of the Public Health Agency, where the board will be sited; or, indeed, the Minister? We must be clear from the start that there should be no grey areas, and we need to have clear lines of accountability.

As the Chairperson said, the seniority of those who will sit on the Safeguarding Board needs to be clarified. The Department said that people at chief executive level will be involved in the board and that it does not expect those chief executives to be able to delegate that responsibility. However, we need to establish a balance. Although we need buy-in to the safeguarding boards at senior level, we must also involve operational experience from those whose invaluable skills will be needed at the table. Nevertheless, I understand that we need the people at that table to have the power to take decisions and implement them in their organisations.

The Committee also examined what it expected to become the core work of a Safeguarding Board and its panels and whether that work should be more focused or wide-ranging. England's experience over the past four years dictates that the wider the scope or agenda of the board, the less focused it is on core child protection and prevention issues. On their inception in England, safeguarding boards tended to take on a wider agenda; however, experience there has dictated that we need to establish a better balance. We should learn from that experience by including the core issues around prevention of harm for all children, focusing attention on all those considered vulnerable and establishing a protective and rehabilitative response to those who have been harmed. That is another

point that the Minister may pick up on when he describes how he envisages the scope of safeguarding boards.

Those are broad comments on the generality of the Bill. My colleagues will elaborate on specific points. We look forward to the Bill's Committee Stage.

Mr McCallister: Child protection, as Members have said, is an emotive and crucially important issue for Northern Ireland, as the manner in which our society protects its most vulnerable is a measure of its development. The horrors of child cruelty in cases such as Baby P in England have made it apparent that we need constantly to review and monitor how we approach child protection in the UK. Therefore, I congratulate the Minister on bringing the Bill to its Second Stage.

The Safeguarding Board Bill is another part of a comprehensive programme of reforming Northern Ireland's child protection services. The Bill is substantial and illustrates again the Minister's ability to reform health and social services here. At its crux, the Bill aims to ensure the best child protection in Northern Ireland by ensuring the consistency, efficiency and effectiveness of provision throughout the Province.

Historically, each of the former health and social services boards operated an area child protection committee on a non-statutory basis. Those committees distributed the findings of case management reviews, raised awareness of child protection issues and promoted compliance with child protection procedures. Although it is recognised that the committees did excellent work, the experience of their operation identified areas in which performance could be improved and a need for greater consistency in how the various area-based child protection committees approached their task and the composition of the committees.

A key reason why the system needs to be changed is that the provisions are not statutory. The new arrangements will give the boards statutory functions to better ensure compliance and a duty to co-operate. The Bill will provide the legislative framework for the creation of a new regional Safeguarding Board for Northern Ireland, hosted within the Public Health Agency, with a safeguarding panel in each of the five health and social care trust areas. That arrangement will, for the first time,

bring together on a statutory basis the key agencies from voluntary and statutory sectors to safeguard children and promote their welfare.

The board will fit in well with the Public Health Agency, because it will be tasked with promoting awareness of the need to safeguard the welfare of children. It will keep under review the adequacy and effectiveness of its member agencies, and it will undertake improvements to safeguarding practices. The Bill will make it a statutory duty for organisations to provide information to the Safeguarding Board, thus further ensuring improved outcomes. Finally, the Bill will ensure that the Minister will report to the Assembly at least once a year on the board's progress. It will improve accountability and ensure that this region has the highest standards of child protection.

The Bill will give independence and added accountability to child protection issues in Northern Ireland, and that should be welcomed strongly by all sides of the House. Protecting the most vulnerable children is a serious responsibility for the Minister, the Assembly and society in general. Therefore, I welcome the Bill. I look forward to scrutinising it in Committee, and, given the evidence that we have received so far, I join others in stressing how critical it will be to get the panels and their leadership right. Focusing on the right issues will also be critical. As the Bill moves through Committee Stage, I look forward to working with departmental officials.

Mr Gallagher: At the outset, I want to say that I was not a member of the Committee when the Bill was discussed, so I may not be as familiar with its every detail as other Members are. Nevertheless, I agree with the Minister that the safety of children is everybody's business, not just the responsibility of the Health Department. It is a cross-departmental thing. However, responsibility has to rest somewhere, and, in this case, it rests with the Health Department.

We are all aware of the increasing incidence of child abuse. The number of referrals has increased, as has the number of children on the child protection register. Unfortunately, in the society in which we live, abuse is clearly on the increase. A further worrying development linked to that is the number of controversial cases involving the death of children in recent years. As we speak, at least one such case is before the courts. We have to reflect on

another side of society today; namely, the fact that those controversial deaths happened in the home, which, until recently, almost everyone regarded as a safe and caring place. In view of what has happened, we can no longer assume that children are safe in their home. Therefore, what the Bill tries to do is a step in the right direction.

11.15 am

In the Committee, my party colleagues reflected some concerns about certain aspects of the Bill, not least the independence of the chairperson of the board. That appointment appears to be entirely in the hands of the Department. As the Chairperson stated, the fingerprints of the Department appear to be all over the steering mechanism of the new board. The concern was raised in the Committee that the board could publish reports and other information only with approval from the Department. That is a valid concern. Social services staff who deal with difficult or controversial cases largely do a good job, but it is easy to pass on the blame to them. There is also the issue of public confidence to consider. When an incident leads to a public outcry, there is a sense among some of the public that the services that exist to protect children are not properly accountable and transparent.

I referred to the independence of the chairperson and the extent to which the Department may influence what the board would like to publish or, perhaps, direct that certain information should not be published. Should that framework remain part of the Bill, it will leave some doubt in the minds of the public about proper accountability and transparency.

Dr Deeny: I welcome the Bill and commend the Minister for bringing it forward. I agree with the Chairperson that it has come at an opportune time. I listened to Members who spoke previously on this important issue, and I agree that the safeguarding of children is not only a health and social care problem; it is a problem for society. Therefore, the solution should come from all of us in the Assembly.

I raised the issue of independence in the Committee. The board must be independent; there should be no veto from elsewhere. The phrase "subject to the approval of the Department", to which the Chairperson referred, appears twice in the Bill, which suggests that the board will not be independent. That gives rise to concern.

Another concern is that there are those of us who say, quite rightly, that safeguarding is not only a health and social care issue. The Bill suggests that the Department must approve everything that is contained within it. However, that sends out a wrong message that safeguarding is purely a health and social care issue, which is not the case.

The Committee examined the previous situation in which an area child protection committee was established for each of the four former health and social care boards. They appeared to be concerned primarily with protecting children. In 2006, it was felt that more was needed. We have learned a lot from the problems that have arisen and the terrible tragedies that have occurred. The reason for establishing a Safeguarding Board for Northern Ireland is not only to protect our children but to learn from such tragedies and prevent them happening again. That is why I welcome the Bill.

Safeguarding has been referred to already. It is a new and correct term. It is good to see the Bill happening so soon, if that is the right description. However, we must take whatever time is necessary to get it right as it is important to protect our children.

One of the mistakes that has been apparent to the public and to all of us as their representatives is the lack of interagency co-operation, which has been referred to already. Mrs O'Neill, the Deputy Chairperson, already mentioned the incident in the town of Omagh in my area. In that case, people looked for the reasons why it happened and, in my view, looked only at health and social care agencies, although we know that other agencies were involved. Although good work may have been done by various agencies — I do not know the extent of that work — clearly, there was inadequate co-operation on such an important issue. The Minister also referred to that. However, simply stating that we should have interagency co-operation is not good enough or strong enough. We must make it a duty to co-operate; indeed, it should be a legal duty, and people must co-operate. If it has been found that they have not co-operated, either through their own choice or because they have underperformed, they should be held to account.

It is good to establish a Safeguarding Board for Northern Ireland, and I want to add my voice to the comments on the constitution of the board.

When agencies such as the PSNI, the Probation Board for Northern Ireland, the Youth Justice Agency, the education and library boards, the NSPCC and the district councils are involved, it shows that people are thinking that it is a societal problem, and that must be welcomed.

Many people in the front line, including nurses, doctors and other health professionals in A&E departments and in general practice, are often the first to discover a situation that is totally unacceptable, extremely dangerous and life-threatening to our children, and Mr Wells referred to that fact. The situation must be looked at again, and I look forward to discussing it in more depth in Committee with the departmental officials and the Minister. We must ensure that there are avenues available for the different health professionals who, I hope and believe, all care about our children. They can quickly initiate a process that will ensure that children at risk are protected. I agree with the point that was made about a medical and nursing input, and I would like to hear the Minister's response to that.

The Minister said that the functions of the Safeguarding Board must be kept under review, and that is important. I welcome the fact that the board will advise the regional board and the local commissioning groups. However, one aspect of the functions is not clear and needs further discussion. Clause 3(6) states:

"The Safeguarding Board must advise the Regional Health and Social Care Board and Local Commissioning Groups ...

(a) as soon as reasonably practicable after receipt of a request for advice; and

(b) on such other occasions as the Safeguarding Board thinks appropriate."

That is not clear enough. It needs to be further thought out. I would prefer a time frame there and maybe an annual basis. It is too vague and not precise enough when it comes to something as important as protecting the lives of children.

It is good to see that the Safeguarding Board will report to the Department at least once a year, but again that has to be looked at. The Bill just suggests the Department; I think it may have to report to more than the Department. It is also good to see that the Department must lay a copy of that report before the Assembly, as that will mean that we know about it.

Another good idea is the establishment of five safeguarding panels, which will create the legislative framework to allow the SBNI to come into being. The panels will be coterminous with the five trusts and five local commissioning groups and will provide feedback to the main Safeguarding Board. It is also good that these five committees in the five trust areas will report to the main Safeguarding Board on an annual basis. That is a good thing.

Public accountability is vitally important. The public are very concerned and interested in this and will be watching how we proceed, because they quite rightly want us to do a professional job for the sake of our children. Monitoring, reviewing, evaluating and auditing — to use the term that all the people tend to like nowadays — are important to ensure that we are doing this right and to learn whether we are doing anything wrong.

The fact that the Assembly will know about this board on a regular basis will mean that Members and the public are kept aware. It is important that we are accountable and transparent and that the public know exactly how we are looking after children in Northern Ireland. I look forward to Committee Stage.

Mr Easton: I support the Bill and praise the Minister for bringing forward this legislation to protect our children. The primary aim of the Bill is set out in clause 1, which establishes the Safeguarding Board for Northern Ireland.

Clause 2 sets out the objectives of the board, which are:

“to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the Board ... for the purposes of safeguarding and promoting the welfare of children.”

We are constantly reminded of the need to protect and ensure the safety of our children in Northern Ireland. The McElhill incident in Omagh a number of years ago highlighted the failures of the bodies and agencies involved and the lack of a joined-up approach to the safety of those children. There is a need for such a joined-up approach and the new framework, which is laid out in clause 3, will hopefully go some way to enhancing that.

Clause 3 sets out the functions and responsibilities of the new board. In summary, those include the development of policies and procedures for safeguarding and promoting the

welfare of children; review of the effectiveness of what is done by each person or body represented on the board; and advising the Regional Health and Social Care Board and local commissioning groups on stated aims and objectives.

In many ways, the board is a means of ensuring that health boards and trusts are doing their job correctly in protecting and ensuring the safety of our children, and I welcome that. The number of children being referred to social services has increased significantly in recent years. Indeed, Northern Ireland, worryingly, has the highest number of children being monitored in the United Kingdom.

I welcome the establishment of the board as laid out in the Bill, and I hope that it goes a long way to providing a better framework for the protection and safeguarding of children. However, I have a number of concerns. Although money has been found in the Department — a sum of £750,000 has been quoted — how can we ensure that the board will stay within its budget? Many agencies have been established in Northern Ireland to sort out our problems.

Money is getting tight as we face the onslaught of cuts from the Budget that will be enacted by the Tory and Lib Dem Government in Westminster. It is important that we ensure that we are doing the right thing and that the creation of the board is not simply another act to make it look as if we are doing something to make it right.

11.30 am

I am happy to support the Bill, but we must ensure that it is worth the money, time and resources, because it is vital that we have the funding to protect children. I hope that the Minister can give a commitment that enough funding will be available to do all that and that the board will be effective and not simply another body to blame if something goes wrong in the future.

One issue that is not included in the Bill, which the Minister might be able to address, is the lack of a computer system across all statutory agencies and bodies that deal with child protection issues. It is vital that, at some stage in the future, a data system be introduced so that all bodies know exactly where each organisation is in relation to a child protection

issue. I hope that something of that nature will be considered.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. I was about to say that it is good to see the Public Gallery full of children and young people for a debate on child protection issues. However, they have now walked out, so I do not know whether we got it right or they became bored with the debate. During the debate, I was struck by the number of young people who use this place and by their interest in politics and the legislative process, and it is important that we get the legislation right for those young people and their future.

Along with other Members, I welcome the Bill. If anyone does not think of it as a positive way forward, we need to ask them where they are coming from. Many questions need to be asked, which is why we are here. The Bill's Committee Stage is next in the process, which will allow Assembly Members to scrutinise its provisions. Members raised some serious questions, and I hope that the Minister will take the time, if he can, to answer those questions, alleviate some of the concerns and inform us of where he expects to take the issue. I commend the Minister for introducing the Bill; it is important that the process begins as we come to the end of the session. I hope that, before long, the Bill will become law.

As other Members have done, I commend the Bill's general principles. At this stage of the debate, my comments probably become repetitive. A key theme from every speech, including those of the Chairperson and the Deputy Chairperson, is that a clear and independent voice is needed on the safeguarding of children. That is critical, and that voice must be transparent and wholly independent. We must ensure that we are talking about protecting and safeguarding children and that we are proactive in setting up an independent body that can do that. The safeguarding of children is paramount, and it is not a health issue only. Other organisations and agencies need to take a lead responsibility.

Throughout the years, there have been incidents and cases within the Churches, some of which have been discussed in this place. Those incidents demonstrate that a closed system brings added problems, and a clear, open and transparent system is needed in which the lessons learned from the past are taken on board. The failure to do anything at the time

compounded the wounds of the children and young people who had been affected by abuse.

The success of the safeguarding board will be based on its ability to set agreed priorities for collective safeguarding responsibilities, including a mechanism to hold its members to account and to ensure that there is an open and transparent system that works in the best interests of children and young people, especially those who are in need of protection. I am sure that the Minister will agree that the creation of a board that is independent and capable of challenge is an essential part of good safeguarding practices.

In that regard, I want to ask a number of questions today. Other Members have raised some of the points in the course of the debate. The key issue is the independence of the board, which is critical to ensuring an effective future safeguarding system for our most vulnerable children. I ask the Minister to outline today, if he can, how he views the independent nature of the board. Will that be subject to the Department's involvement? As for Kieran Deeny before, that raises concerns for me. Parallel to that, will there be provision in the legislation to ensure that the board will work as independently as possible? Although I am not saying that I envisage a problem in the future, we need to ensure that independence means that the board is wholly and truly independent.

Tommy Gallagher raised the issue of public confidence. I agree with Tommy. There have been some horrendous cases over the past number of years. Again, that goes to the independence of the board. If there is a view about what the board can and cannot publish, where is the issue of public confidence? How can we convince the public that we want to move forward and ensure that we are doing everything in as open and transparent a way as possible if the board can publish only at the direction of the Department? It strikes me that we could dent public confidence.

Some Members raised the issue of the membership and involvement of the voluntary and community sector. Can the Minister advise what arrangements are in place to ensure that the board does not become dominated by statutory organisations that, as a right, have to be there because they are the experts? There are many forms of expertise in the community and voluntary sector, and we need to ensure

that the board and the arrangements reflect what is happening in our communities.

Somebody has raised the issue of whether two lay members are enough to achieve a balance or whether the board will be top-heavy with statutory agencies. We should not shy away from the fact that we have a strong, vibrant community and voluntary sector, some people in which are experts in their field. We should utilise that resource to ensure that we come together collectively to achieve the same aim.

The Minister went into more detail about the child death review arrangements and the review of serious cases. That needs to be welcomed and seen as a positive development. However, although the legislation paves the way for the introduction of a child death overview panel and a case management review panel, does the Minister expect any changes to, or developments in, the current case management review process? Then there is the whole issue of the compliance monitoring requirements. I am conscious that the Minister might not have all those answers available today.

I am keen that officials be available during the Committee Stage. However, we are talking about the general principles of the Bill, and it is important, at this stage, to try to highlight some issues as early as possible so that we can have a collective working arrangement and partnership with the Department. Like everybody in the House, and the Department, I want to ensure that, when we come to the end of this and agree the Bill, we get it right and utilise our own resources and expertise.

The Bill's memorandum gives a bit of history. The child protection committees were established in the early 1980s, and, in around 2001 or 2002, Patricia Lewsley, who was a Member at that stage, was taking forward a private Member's Bill. However, the Assembly was suspended. We need to commend the Department and its officials from that time because, while the Assembly went into suspension, they adopted the proposals and took forward some of the issues.

The key thing that struck me when the Minister was speaking was that he kept referring to the passing of information between agencies and some recent incidents — again, it was the McElhill case.

My colleague highlighted that all the agencies worked very well up to a point but said that when it got to the stage of sharing information, some of that was minor information that had major consequences in the end. That meant that their working well together was no longer the case. Therefore, I hope that the Bill will deal with that because we are talking about human life, children and human tragedy. I hope that we will go a long way to try to ease some of those issues.

During the debate, the all-Ireland child protection issue struck me. Again, we can refer to some of the incidents in the McElhill case. I know that the Minister has done a lot of good work on North/South issues, which is important. We need to ensure that services are interlinked. However, how can we ensure that, in the border counties, we deal with circumstances where one jurisdiction is not doing good work and another is a bit behind? We are allowing our children in the border counties to become more vulnerable as a result of that situation.

I look forward to the Committee Stage of the Bill, and I look forward to working with the Minister and his officials and with the community and voluntary sector on the issue. I commend the Second Stage of the Bill.

Miss McIlveen: I am not a member of the Health Committee, and I will not pretend to know the detail that a Committee member should know, but this issue is of personal interest to me. I welcome the Bill and its broad intent. As other Members stated, the protection and safeguarding of all our children, particularly the most vulnerable, is an important measure of any society, and I commend the Minister for bringing the issue forward.

Over the past number of years, too many high-profile incidents involving children have been linked to protection and safeguarding issues. The Bill is an important reminder that the business of safeguarding and protecting all our children does not belong to social services alone but to the key statutory and voluntary agencies and organisations that work with children and families. Ultimately, it belongs to all of us as adults in our community.

The Bill represents an opportunity to create a different approach to and a cultural shift in safeguarding in Northern Ireland. It represents an opportunity to create not simply a mechanism whereby the agencies that are directly involved

in safeguarding can come together but a place that will allow for critical reflection on the effectiveness and outcomes of safeguarding in order for it to work.

As Members may be aware, I have had a significant interest in, and commitment to, the issue of young people who go missing from care and home. I have had the same interest in and commitment to the risks that they may face. Indeed, we have dedicated time to the issue and have debated it in the House. As the Minister is aware, I have undertaken an early consultation on the issue with a view to proposing a private Member's Bill.

I recently met with the Minister's officials to agree a way forward. I will take this opportunity to thank the Minister and to seek confirmation of his agreement to put in place an administrative system for the collection, collation and reporting of quarterly statistics on the numbers and incidents of young people who go missing from care and run away. I also seek confirmation of his agreement to the production of an action plan to deal with young people who go missing from care or home. I look forward to seeing those developments being put in place as a further means of ensuring that our most vulnerable young people are protected.

Overall, I welcome the focus of the Bill, but, similar to other Members, I should point out that a number of clauses cause me some concern. Good child protection practice acknowledges that the capacity for the independent challenge of government and local agencies is a key element in any well-functioning safeguarding board. However, like the Chairperson and members of the Committee, I have not been assured that the board as it is currently constituted could undertake such a challenge. Indeed, I am personally aware of how difficult it can be to raise issues that are perceived as a challenge, even when one's intention is simply to ensure greater protection. Therefore, will the Minister clarify what provisions in the Bill will allow for the chairperson of the board and the board itself to provide a clear challenge role? I am also concerned that, too often whenever Members seek information on the nature and extent of child protection issues, it is not available or is not held in a format where it can be analysed and used to inform better decision-making for children and young people.

11.45 am

As a Member who does not sit on the Health Committee, I independently highlighted clause 3(9)(c), as the Chairman mentioned, which states that SBNI may:

"subject to the approval of the Department, publish any matter concerning safeguarding and promoting the welfare of children."

Although I am sure that it is not the Minister's intention to do so, that could create the perception that the Department is attempting to restrict the board's independence and that information or commentary would be perceived to be negative or critical. I welcome the Minister's view on why he considers departmental approval on publication of information by the SBNI to be necessary and on whether he believes that a crucial element of the board's independence will be its ability to publish a range of issues and information that is required to ensure that the safeguarding system works at its best. Overall, how the board will function independently is critical to ensuring a more effective safeguarding system.

I very much welcome the commitment that the Minister has shown to child safeguarding and welfare. I reiterate my thanks for his agreement to move forward on issues that relate to children who go missing or run away from care or home.

Mr McDevitt: Like previous Members who have spoken in the debate, I support the Bill's objective wholeheartedly and I thank the Minister and his officials for the work that they have done to get it to Second Stage.

The Bill's history has been well rehearsed by previous Members. However, it is worth noting that if it were possible to describe a Bill that has been introduced by an Ulster Unionist Minister as one that has an SDLP genesis, the Safeguarding Board Bill is it. Many could argue that the Assembly would not be debating the legislation if it were not for work done by Patricia Lewsley, a former party colleague in the House who is now Children's Commissioner. During the Assembly's first mandate and her previous work, Ms Lewsley did the running to get the Bill into the statutory process.

At this stage, it is worth focusing on what safeguarding should be about. As has been highlighted by previous Members and the Committee Chairperson, the key objective that has arisen out of Lord Laming's report is to be able to ensure that an independent body

exists that has a high degree of autonomy and sufficient power to ensure that all agencies of the state and others who are involved in safeguarding of children can be held to account and have a duty to co-operate.

Those are the basic tests that must be applied to the legislation: whether it ensures the independence of the proposed safeguarding board, and its chairperson, in particular; whether it provides sufficient basis for such independence; whether the board has the capacity to operate and determine its work in a sufficiently independent way so that it can enjoy public confidence and never have to demonstrate dependence on its sponsoring agency or Department, nor give rise to a perception of that dependency, which is equally important; and, finally, whether it enables the board to behave with its own distinct and clear identity and to be able to hold all of those people who represent various bodies on the safeguarding board to a common duty, which is to co-operate in the interests of safeguarding, no matter what the implications are for the body that they represent on the board or for wider public policy.

With regard to the first test, I am disappointed to find that on a cursory reading of the Bill, it seems to be silent on independence. It acknowledges the genesis of safeguarding but it does not mention independence. I stand to be corrected, and if I am wrong, I will happily withdraw the specific comment. However, I do not see the word “independence” in the Bill.

I do not see that key characteristic defined and spelt out in law in a way that it clearly and obviously must be. It is particularly disappointing that it is not there, because it was raised at Committee meetings when members were receiving evidence from officials before the Bill’s introduction. Officials agreed that independence should be included, but that does not appear to have happened.

Independence is not mentioned at a strategic level in the Bill, and is it not included in the characteristics, specific duties or role of the chairman. Furthermore, it is not stipulated as a requirement in the appointment process for the chairman. Independence is assumed: however, Mr Speaker, we cannot make assumptions on matters of safeguarding; we must be specific and clear.

As regards identity, the Bill is again clear in establishing a body and in the organisations that should be around the table, as listed in clause 1(3). However, it leaves too many connections with the Department, in a paternalistic sense, to be able to reinforce a distinct sense of identity. That begs the next question. The Bill outlines a statutory duty to co-operate, which is important and welcome, but that statutory duty in the Bill, as it stands during the Second Stage debate, extends only to those organisations listed in clause 1(3). The list does not include a single Department. Therefore, the statutory duty applies to officers of the regional health and social care board, the Public Health Agency, the PSNI, the Probation Board, the Youth Justice Agency, etc, but, unless I am misreading it — and, if I am I will happily accept the Minister’s correction in his reply — I do not see how it applies to officials of the Department of Health, Social Services and Public Safety, the Department of Justice, the Office of the First and deputy First Minister, or the Department of Education, all of whom have clear and distinct safeguarding responsibilities. They are responsible for policy areas that are related to the safeguarding of children.

I suppose that that begs another question: why do none of those Departments have any form of representation on the safeguarding board? Why are we not bringing everyone who has a potential duty to children in this region, be that at policy, delivery or protection level, on to the board?

I have a final observation at this stage. The debate is welcome. The arguments that members of the Health Committee will have during Committee Stage, and which the rest of us will have during further stages, will not be on the principles of the Bill or whether this is a good idea. The arguments will be about whether the legislation delivers what we want it to deliver, which is the certainty that never again will the state fail a child who is in a vulnerable situation, and that never again will we have the need to ask the Minister, or for the Minister or other Ministers, to conduct inquiries into how or why the state let children down.

To be able to reach that level of certainty, we must go deeper with this legislation; we must be more ambitious and brave about the extent to which we are willing to establish a safeguarding board that is independent in name, spirit, character and culture. We must also be

ambitious and brave about the extent to which we will tie in not only those listed organisations, but every other relevant body, such as a Department that could or might have a duty with regard to children in this region, into making that legislation a reality for the protection of children.

Mrs McGill: Go raibh maith agat, a Cheann Comhairle. I support the Bill, and, as other Members have done, commend the Health Minister and his Department for the work that has been done so far on the protection of children in general and on raising awareness of the difficulties that people who work in child protection and, in particular, families experience. I commend the Minister for focusing on the child. He said that the Bill, and the law that we hope will flow from it, is designed to put the child at the centre of what we do. We all support that aim.

Will the Bill do that? Let us hope so. Let us hope that it will put the child at the centre and that the ensuing legislative framework will ensure that that happens. We have had legislation and structures before, and there have been any number of strategies and attempts to put in place the structures that are needed to protect children. Sadly, however, those structures failed on occasions. We can all point to the high-profile cases, which other Members have mentioned. In my area, we had the McElhill/McGovern tragedy.

While reading documentation on the Bill and thinking about my contribution to the debate, I wondered whether the Bill will ensure that we listen to the child. That is key, and the Minister spoke about putting the child at the centre. We need to ensure that the Bill does put the child at the centre, whatever about the structures, which are absolutely essential. It is important that we listen to the child. VOYPIC and other organisations that promote the well-being and welfare of children take that line, as do we as elected Members. Everyone agrees that the child should be at the centre. However, we must ensure that legislation formally puts in place the necessary structures.

Evidence that was presented in the wake of the McElhill/McGovern tragedy showed that when one of the young people involved spoke graphically and dramatically on the phone, she may not have been listened to in the way in which she should have been. The Minister commissioned Henry Toner to chair an

independent review of the tragedy, and he made a number of recommendations. Subsequently, Henry Toner went back to make sure that where there were deficiencies in the trusts and agencies charged with looking after children's welfare, they were being addressed. It is my understanding that in many cases, and possibly all, those deficiencies were addressed by the health authorities.

In addition to the health agencies, other organisations have a role to play, but they do not always communicate information to the relevant people.

When we examine the Bill at Committee Stage, I will be looking for reassurance that clause 11 will ensure that the Safeguarding Board requests the supply of information. We will have to work out which key people will need that information, and, if it is critical to a particular case, there must be an opportunity for it to be brought forward quickly and worked on in the way that it needs to be by the key agencies and organisations.

12.00 noon

When the Committee heard evidence from them, departmental officials agreed that communication was key. As the Deputy Chairperson said, co-operation across agencies is key. That was lacking in the high-profile cases, and we need to learn from that.

Finally, I will return to my point about putting the child at the centre. Young people spoke to the Committee during formal and informal evidence sessions, and that was very insightful and helpful. I again emphasise that although the structures are crucial to what happens with this matter, it is important that, as the Minister said, we put the child at the centre. I support the Bill.

Mr Bell: I welcome the Minister to the Chamber to debate what is a very important Bill, which will significantly affect front line services and all forms of social services in child protection.

I declare an interest, as I am on a career break from the South Eastern Health and Social Care Trust. When I started in social work, we worked to the Children and Young Persons Act (Northern Ireland) 1968 — I am old enough to remember that. The Children (Northern Ireland) Order 1995 was then developed, and we worked to that. In those days, I worked for the Eastern Health and Social Services Board, in Marmion

children's home. I moved to the Western Health and Social Services Board to work in Conywarren children's home, which subsequently fell under the Sperrin Lakeland Trust. I then came back to front line social work and child protection, working with what was the North Down and Ards Trust, which then became the Ulster Community and Hospitals Trust. I finished my career in the South Eastern Trust. It was an interesting progression.

The Minister will be aware that many of his staff, who are former colleagues of mine, do an outstanding job on the front line of child protection. For 21 years, I had the privilege to serve; I say that I was privileged, but it was also hard work. In the course of that work, we were threatened and assaulted. When we put through the joint protocol procedures with the police and took cases and gave evidence in court, it was not unusual for us to be threatened that people would rape our children. We had our lives and homes threatened and our cars damaged, yet those men and women still get up and go to work, and if they get a child protection referral, they will investigate it within 24 hours, as per the regulations and guidance. No matter what workload they have or how hard it is, the men and women on the front line of child protection will continue on, regardless of the circumstances. I am sure that the Minister is as proud as I am of those staff.

There have been major cases. I am old enough to remember right back to Jessica Kingsley, through to the McElhill/McGovern case and the recent case in the Strangford constituency, where a young girl tragically lost her life.

It is important that the Safeguarding Board continue to work within what we always called the five Ps, which are the five principles that we work by. The first, which my colleague opposite raised, is paramountcy. The paramountcy principle always reigns supreme in court. The welfare of the child is always the paramount consideration.

The five principles enabled everyone to look at what was in the best interests of the child, and they also contained the partnership approach. It is vital that we give parents and caregivers their place and that we work in partnership to safeguard children, working principally with parents and other caregivers, foster parents, adoptive parents or whoever the situation brings forward.

We must promote parenting and look to prevention. We must also look to early intervention, and the Safeguarding Board can co-ordinate the services and provide the safeguarding plan, which can be reviewed annually in the safeguarding report to ensure that there is a genuine partnership approach with parents and all the relevant agencies.

Finally comes the issue of protection. We must never shy away from that, but it is difficult. I have had to remove children from their homes in tears in the early hours of the morning, and it is difficult.

One of the things that the Safeguarding Board Bill will be looking at is foster caring. I want to pay a sincere tribute to foster carers. I will never break confidence with regard to any of my professional work, but it is not unusual to go out at 2.00 am or 3.00 am to deal with an overdose or a serious case of self-harm and find that there is no one to care for the children. The social worker goes into the house, and those traumatised and frightened children leave with that social worker, who is a stranger, someone whom they have never met before. One of the most wonderful and rewarding aspects of social work is when one goes in the early hours of the morning to see an emergency foster parent — I am getting a lump in my throat now — and a foster parent comes to the door with two hot-water bottles in their hands for two young children, puts their arms around those young children and gives them the immediate care and love that they need. You can see those children just dissolve from you — the social worker, the bad person who has almost broken up their family — into the love and care of our foster carers across Northern Ireland.

We owe those people a significant debt. They do not do it for money; money would not pay them to do what they do. I have been there in the early hours of the morning when they have got out of their beds, prepared homes and bedrooms and brought children in, ready with hot chocolate for them. They welcome them with hot-water bottles and provide them with the security that they need.

Also critical will be the multidisciplinary approach. Major progress has been made by the Police Service of Northern Ireland and social services on the joint protocol arrangements for investigation. As was said earlier, that flow of information is important. What the

Safeguarding Board Bill does is allow us to look at good practice elsewhere. We have had the establishment of the Northern Ireland Social Care Council. One of the significant aspects of all that for professionals in the field is that they have to do 15 full days of lifelong learning and continuous professional development over a three-year period, and that is verified by their line manager.

It is important that we learn the lessons that are out there. One of the principal lessons concerned the flow of information. In the child protection case conference system, we can now see that safeguarding nurses and health visitors are on board, there is increased involvement from the education sector and GPs and we have a multidisciplinary analysis that will ultimately serve to protect the child better.

There will be difficult times, because, sadly, there are people out there who will seek to use children for their own mean and vindictive ends, for their own sexual gratification. It is important that, through its multidisciplinary approach, the Safeguarding Board co-operates with the likes of the MASRAM — multi-agency sex offender risk assessment and management — services and the police so that we have co-ordinated protection. In my view, it will never be possible to provide a 100% foolproof child protection system, but we should never stop striving towards that. We should constantly look at where good practice leads us and constantly monitor ourselves, as the Safeguarding Board will, against what is identified in the Children (Northern Ireland) Order 1995 as a welfare checklist. That is, all decisions should be tailored to the age, stage and circumstances of the child.

It is vital that the obligations prescribed under the Human Rights Act 1998 be observed. We want to keep children with their families, because, as most of the research shows, that is where they are best cared for. We want to look at alternatives to taking children into care.

I have worked in a number of children's homes, and I pay sincere tribute to the staff there. During a 25-hour shift, staff take many of the young people to do their day-to-day activities, such as education or religious observance, and to their normal outlets and, as a result, they get to know the children and their families very well. Therefore, it can be absolutely devastating for them when they lose one of the children to

an overdose or an accident, but they have to go back to work the next day and carry on. That is what those professionals do.

I have known young people who, sadly, were the victims of abuse, were taken into the professional care of a children's home and, subsequently, were fostered out, where, in very rare cases, they were abused for a second time. When many of those young people came back in to the care system —

The Chairperson of the Committee for Health, Social Services and Public Safety:

The honourable Member is giving us a useful insight into social work and child protection. It is good that we have someone of his experience on board in the Assembly. Does the Member accept that is it unfortunate that, when a social worker does a great job and protects a child, it is never mentioned in the media? The Member indicated that cases cannot be mentioned in the media for good reason, namely to protect the confidentiality of parents, foster parents and children. However, on the one in 1,000 occasions when something goes badly wrong, the story is front page news.

Does the Member accept that it is regrettable that able, young people are being put off social work because of front page headlines about the occasional examples where something goes wrong and because they seldom hear the sort of information that he is providing to the Assembly about the thousands of examples where it goes right and children are protected? I have yet to see a headline on the front page of any of the daily papers that reads "Child protected", but the headline "Child neglected" makes the front pages.

Mr Bell: The honourable Member makes his point well. As he and the Minister know, and as the evidence base bears out, the vast majority of children who enter the child protection system and who, after a multidisciplinary case conference, are designated as having suffered, potentially or actually, significant harm in any of the three categories of abuse, subsequently come off the child protection register. That means that plans were put in place to look at education, childcare, health, trauma counselling and support for parents. In my experience, the vast majority of children who are put on the child protection register are subsequently discharged from it, and the evidence base will bear that out.

One of the joys of social work is being able to deregister a child.

Social workers who do such work do not do it for the glory, and they certainly do not do it for the money. They do it because it is their vocation. Social work is one of the few professions where an individual who goes to a house and says “I am a social worker in family and childcare with such and such, and I am here to follow up on a child protection concern” will almost always be automatically met with a level of hostility. Social work is the one professional service that many people do not want to see. However, social workers have to manage that in a diplomatic way.

The Minister has excellent staff, some of whom have been attacked or have had their cars damaged, and yet they respond to those children with care and love. Those staff help children, such as those suffering flashbacks from abuse in children’s homes, through a key work programme and an assessed programme of individual and group work and can manage, in most cases, to bring them to a better place than where they were when they first entered the system. They can diffuse a lot of anger and trauma and help the children to move forward in a constructive way. The House owes a great debt of gratitude to those staff who deal with children who have been abused, sometimes multiple times, or who have been the victims of organised abuse.

12.15 pm

I want to be fair to the Minister, with whom I have crossed swords many times on a political level. During the past two years, when the front line services of social work were under significant pressure — as I saw when I worked on the front line — new money was allocated, and new social workers were put in place to serve the need that existed in child protection. I congratulate the Minister on that. He should enjoy that praise, because I do not intend to make a habit of congratulating him.

We must learn from best practice and concentrate on how to do things better, not on where things went wrong. It was pointed out to me that, in a significant case in which a child died, a major daily newspaper published a photograph of the social worker involved. However, as the Minister said previously in the House, in response to my question on the tragedy of Darlene Bell in Newtownards, social services cannot do everything on their own. With its

multidisciplinary approach, the new board will enshrine the principle of safeguarding. Social workers rely on early years teams, families, carers, grandparents, teachers, Youth Service staff, youth clubs and district council provisions, such as summer schemes in leisure centres, to provide a collective approach, not only to the early identification of child abuse but to creating a structured plan for any children with whom they are involved. As Jim Wells said, the papers do not broadcast the discharge of a child from the child protection register or the fact that a child has overcome an addiction.

On a wider level, safeguarding children is a matter for everyone in society. The situation of young people is serious, as can be seen in Londonderry Park, Strangford. Today, in any major supermarket, alcohol is cheaper than water and is purchased for minors. Drug dealers provide a gateway into drug abuse for children by offering them free cannabis to get them hooked on a higher level of drugs, then using them either as runners or for more nefarious purposes. We must work collectively as a society. The Minister was correct to say that social services alone will not be able to safeguard children. We must learn from experience.

The Bill provides the Department with a veto on reports. If that veto is used, it should be used with due caution and regard, because we want information to be made available. We should examine any tragedies and difficulties to find out what can be done better.

I spent five years at university, where I studied for a three-year psychology degree and a two-year master’s degree in social work, but social workers will never know it all. Social work is a lifelong learning process in which people must use and learn from experience. Such experience must be examined constructively to see how we can provide better care for the future.

In the case that I mentioned, the social worker’s photograph was published. However, were photographs published of the doctors, teachers, carers or parents involved in that case? We must be watchful and ensure that we do not create a system that victimises social workers.

Someone sent me a cartoon for my office. On one side was a social worker being hanged for removing a child from a family, and on the other side was a mirror image of a social worker being hanged for not removing a child

from a family. Social workers will always act in the paramount interests of the child. However, to enable them to do so requires an effective and multidisciplinary Safeguarding Board. I commend the Minister and those responsible for drawing up the Bill, which goes some way to ensuring that the children of Northern Ireland will be better protected than they have been to date.

The Minister of Health, Social Services and Public Safety:

I thank all Members who contributed to this important debate for their interest in the subject and for their remarks. Clearly, all of us have a shared objective.

I also take the opportunity to recognise the extremely difficult job — as Mr Bell said, and he knows better than I — that professionals in child services do, day in and day out, to keep children safe. As Mr Bell said, they do not do it for the money, and I am aware of that. If they do a good job, they often get little thanks, but when things go wrong, as Mr Wells said, anger can be heaped on their heads.

For a very unlucky few children, any failure from us to keep on top of our game can mean tragic circumstances. That is why we are always looking to improve. Conall McDevitt said that he wanted certainty that the state would never fail. Sadly, we will never get to the point where we have that certainty, but, as Mr Bell said, we are striving to get there. That is the point; we are always reaching forward.

A number of points were made, and I will try to refer to as many as I can, because they were very important. The Committee Stage will play a very important role as Members deliberate the way forward. There are issues around independence, accountability, reporting, and so on.

It is important to remember that the board will focus explicitly on core issues around child protection and protecting children who are at risk. Those are issues that fall mainly to agencies that operate within the Department of Health and the Department of Justice. Beyond that, there needs to be a focus on the broader safeguarding issues that affect the agencies of all Departments. This is an Executive Bill, and all Departments are on board, so we do not need to name in the Bill the Departments or non-statutory agencies that work with or provide services to children or parents.

That is the scope and remit of the Bill, which is about ensuring that we do not work in silos and

that we do have a joined-up approach. We are always striving to get to the point where we are providing the best protection that we possibly can.

The role of the board's chairperson is very important. Jim Wells talked about the integrity of the chairperson and how important it was that the right type of chairperson be found. That is a key issue that we will consider very carefully. The board should act as a critical friend, but it should be more than that.

It is important that the chairperson of this body be accountable, through the Minister and the Executive, to the House. There is no such thing as absolute independence, particularly when a body is funded entirely by the public purse. It is also important that there be a line of accountability through the Minister and the Executive to the House, because, ultimately, it is the House and Members who will oversee the board's actions. Ultimately, the board and its chairperson will be responsible to Members and the House.

Directions will be issued to the chairperson primarily for reasons of good housekeeping to ensure that all the agencies in my Department and the Department of Justice, and other agencies that are involved, are following good practice. If directions have to be issued, it may be that the chairperson will have asked for them. However, that will be done in the public domain, so any directions issued will be subject to oversight by and accountability to the House.

I accept that there are a number of matters that need to be teased out. I want everyone in the House to be as comfortable as possible with the way that we are going forward. The issues of independence and accountability, and the board's capacity as a critical friend are all absolutely key in getting it right. Of course, we will not get it right in the first shot. The process will be refined as we evolve, as we always strive to go forward.

The Chairperson of the Committee for Health, Social Services and Public Safety: I thought that the Department showed a very flexible approach in its dealings with the Committee on the Sunbeds Bill. As the Committee continued its deliberations on that Bill, the Department and the Minister's officials considered issues that were raised at Second Stage, and they started to forward amendments to the Committee during Committee Stage in reaction to our comments. By the time that the process on that Bill is

finished, we will have the best legislation in Europe on sunbeds, and that is to be welcomed. We are all delighted with the progress that has been made.

The Minister clearly has an open mind about some issues that were raised in today's debate, and he will, no doubt, go back to his officials to ask them to tease out what can be done to meet the Committee's concerns. Will the Minister assure us that he will follow the same procedure with the Safeguarding Board Bill that he followed with the Sunbeds Bill so that if, on reflection, his officials suggest amendments, he will feed those through to the Committee so that we can deliberate on them, rather than have amendments coming in at Consideration Stage? The Committee found that what he did with the Sunbeds Bill was extremely useful.

The Minister of Health, Social Services and Public Safety: I thank Mr Wells for those remarks. I am happy to give that assurance. I want us to get the very best piece of legislation that we possibly can. We have a shared objective, which is protecting children, and we work together in doing that. I am happy to assure the Member that we will tease out the legislation as best we can at Committee Stage so that we can go forward. That is the right way to proceed.

A number of Members raised issues about the Public Health Agency. That is merely somewhere to anchor this body to ensure that it has lines of accountability and the ability to talk to me as necessary. All the organisations that are involved in this matter have a duty to co-operate as we move forward.

It is important that Committee Stage properly reflects Members' views and that amendments are properly weighed as they come forward. We all have a shared view on this matter, and it is a case of getting to the point when that shared view is laid down. As Members reflect on the Bill, I believe that they will agree that it represents a solid foundation for the discussion on safeguarding and promoting the welfare of our children.

I recognise that we will never be complacent and that we have to seek continually to build on, strengthen and improve arrangements to ensure that all our children and young people are afforded a high standard of protection.

Once again, I am grateful to those Members who contributed to a very productive debate on an extremely important piece of legislation.

Question put and agreed to.

Resolved:

That the Second Stage of the Safeguarding Board Bill [NIA 25/09] be agreed.

Mr Speaker: The Business Committee has arranged to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm.

The sitting was suspended at 12.28 pm.

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

2.00 pm

Executive Committee Business

Wildlife and Natural Environment Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of the Environment to move the Consideration Stage of the Wildlife and Natural Environment Bill

The Minister of the Environment (Mr Poots): A number of the amendments that we will debate today arise from recommendations made by the Environment Committee —

Mr Deputy Speaker: Minister, please move the Bill.

Moved. — [The Minister of the Environment (Mr Poots).]

Mr Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list. Let me explain the groupings. There are four groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 5, which deal with strengthening the new biodiversity duty, enhancing reporting requirements and imposing related duties on public bodies. The second debate will be on amendment No 6 and related amendments, as set out in the provisional grouping list. Those amendments deal with the level of protection afforded to various species of animals, birds and plants. The third debate will be on amendment No 8 and other amendments set out on the provisional grouping list. That group deals with snares, hare coursing and other methods of killing or taking animals and birds, together with the Minister's opposition to clause 15. The final debate will be on amendment Nos 21 to 24, which deal with enhancing the protection afforded to areas of special scientific interest (ASSIs).

I remind Members who intend to speak that, during the debates on the four groups of amendments, they should address all the amendments in each group on which they

wish to comment. Once the initial debate on each group is completed, any subsequent amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clause 1 (Duty to conserve biodiversity)

Mr Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 5. Those amendments deal with the new biodiversity duty to be placed on public bodies.

The Minister of the Environment: I beg to move amendment No 1: In page 1, line 12, leave out “may” and insert “must”.

The following amendments stood on the Marshalled List:

No 2: In clause 2, page 2, line 8, leave out subsection (4) and insert

“(4) The Department must—

(a) not later than 5 years after the coming into operation of subsection (1), and

(b) at least once in every period of 5 years thereafter,

publish a report regarding the implementation of any strategy designated under that subsection.” — [The Minister of the Environment (Mr Poots).]

No 3: In clause 3, page 2, line 20, leave out “the Department” and insert “a public body”. — [The Minister of the Environment (Mr Poots).]

No 4: In clause 3, page 2, line 21, leave out “Department” and insert “body”. — [The Minister of the Environment (Mr Poots).]

No 5: In clause 3, page 2, line 24, at end insert

“(4) In this section ‘public body’ has the same meaning as in section 1.” — [The Minister of the Environment (Mr Poots).]

The Minister of the Environment: A number of amendments that we will debate today arise from recommendations made by the Environment Committee. I want to express my appreciation for the work that Committee members have done and for the timely manner of their consideration of the Bill.

The first group of amendments is concerned with the new statutory biodiversity duty. That duty is being placed on all public bodies. Amendment No 1 relates to clause 1(4), which gives the Department discretion to issue guidance to assist public bodies to comply with the new biodiversity duty. Although it is intended that the Department will issue such guidance, the Environment Committee felt that the Bill should make it obligatory. I agree that such an obligation should be placed on the Department.

Clause 2 concerns the biodiversity strategy, and clause 2(4) places a duty on the Department to publish reports regarding implementation of the strategy “from time to time”. The Committee expressed concern during Committee Stage that the reporting period was not explicit. It felt that the Department should be obliged to publish such reports at least once every five years. I fully acknowledge the importance of knowing what progress is being made in implementing the biodiversity strategy. That information is crucial to inform adherence to our national and international obligations to reduce biodiversity loss. Therefore, I agree with the Committee’s recommendation and the amendment.

The final amendments in the group — Nos 3, 4 and 5 — concern clause 3(3). The Environment Committee considered that the obligation to conserve flora and fauna should apply to all public bodies. That stance would be consistent with the overriding general biodiversity duty. It also places focus on the habitats and species that are under greatest risk in Northern Ireland. I propose to amend clause 3(3) in line with the Committee’s recommendations. Those are the amendments in group 1.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle. On behalf of the Committee, I welcome the Consideration Stage. I am sure Committee members will agree that the Bill offers an opportunity to improve the protection of our environment. That is timely and welcome. Having looked closely at the Bill and what it has to offer, I am confident that it will take us a significant step forward in how we look after our wildlife and maintain the many beautiful places that make the North so special.

The Bill was referred to the Committee on 13 January 2010 to ensure that there was enough time to scrutinise the wide-scoping legislation. The Committee sought a 13-week extension

and, as members will confirm, it needed that time to go through the Bill’s many complexities and hear what people had to say about its proposals. The Committee received written submissions from more than 35 organisations and individuals and took oral evidence from those representing the widest possible range of interested parties in the time available. Its report was concluded on 15 April 2010.

The Committee’s detailed scrutiny led to 16 recommendations. I am pleased to report that most of them have been accepted by the Minister and are reflected in the amendments we are considering today. I thank the Minister for his co-operative approach and for taking so many of the Committee’s recommendations on board. However, not all the Committee’s recommendations have been addressed, and some have been addressed only in part. The Committee has, therefore, tabled its own amendments. I will go through them in more detail during the long consideration ahead of us.

I am sure that my Committee colleagues will support me in noting the good working relationship that was established between the Committee and the departmental officials during Committee Stage. That certainly helped the process along and paid dividends when it came to agreeing recommendations for amendments.

Before I talk specifically about the amendments in the first group, I wish to note three of the Committee’s key concerns that it believes are vitally important to the successful implementation of the Bill but which cannot be addressed in this primary legislation. First, on several occasions, the Department referred to guidance it would issue to ensure that interpretation of the Bill was accurate and consistent. To be effective, such guidance must be produced in a timely way and in close collaboration with the bodies it applies to. Secondly, the Committee repeatedly heard of the need for the punishment to fit the crime for wildlife and environment offences. Penalties must not only reflect the cost of repairing and restoring damages caused by these crimes but act as a strong deterrent to others and show that, when it comes to protecting the environment in the North, crime does not pay. Thirdly, the Committee is aware that other regions are already in the process of putting their updated wildlife protection legislation in place.

Lessons are being learned across these islands, and the Committee urges the Department to keep an eye on progress elsewhere, picking up examples of best practice for implementation here. The Committee is particularly keen for the Department to take cognisance of and apply Scotland's novel approaches to preventing and controlling invasive alien species.

I will now comment on the first group of amendments. Many organisations and the Department itself noted the importance of guidance on how public bodies will meet the new biodiversity duties to be introduced by the Bill. The Committee suggested that the wording for the production of such guidance should be made much stronger so that, rather than indicate that the Department "may" produce guidance, the Bill will provide that the Department "must" produce guidance. The Committee was pleased that the Department tabled amendment No 1, which will change clause 1 to that effect.

The Committee also considered the suggestion from many stakeholders that the wording of clause 1, which requires species and habitats to be restored or enhanced, should be augmented to include "maintaining and protecting". In Committee, the Department advised that it would consider tabling an amendment to achieve that. However, the Minister recently informed the Committee that no such amendment would be tabled. Instead, a full definition of what was required to meet the biodiversity duty would be included in the guidance that I referred to earlier. The Committee agreed that it was content with that approach.

Amendment No 2, which the Minister tabled, also reflects concerns that the Committee raised. As drafted, clause 2 would require a report on the implementation of a biodiversity strategy to be published "from time to time". The Committee felt that to be far too vague. Although the Department indicated that the reporting period for the current biodiversity strategy is every three years, the Committee wanted a specific time frame included in the Bill to ensure that there could be no slippage on the reporting periods with future strategies. The Committee suggested that the reporting period should be no longer than every five years, so it welcomes the Minister's amendment, which will require a report to be published "not later than 5 years" after a biodiversity strategy comes into operation and:

"at least once in every period of 5 years thereafter".

Amendment Nos 3, 4 and 5 relate to clause 3 and again reflect concerns that the Committee raised. The Committee understood that the Bill would introduce a new biodiversity duty on all public bodies in the exercise of their functions. Members were concerned that the obligations in clause 3 would apply only to the Department. On behalf of the Committee, I therefore welcome amendment Nos 3, 4 and 5, which will extend that duty to public bodies.

Mr Shannon: I congratulate the Minister and his Department on the Wildlife and Natural Environment Bill. It is an important Bill to come before us for legislative debate. I have been involved at every stage of the Bill and know how much work and consultation has been carried out. That is the first point that I would like noted.

I declare an interest as a country sportsman, as a member of the Countryside Alliance and of the British Association for Shooting and Conservation (BASC), and as one person among thousands who contribute to the value of conservation across the Province. The input of those bodies and people is very important. I am one of the thousands of men and women who take pleasure in country sports and pour thousands of pounds into our economy through their pastimes and hobbies. I am one of those, along with thousands of others, who takes seriously his conservation duty and considers it an intrinsic part of country sports.

An independent study and report by PACEC showed that shooting contributes £45 million to the Northern Ireland economy, £10 million of which is spent on habitat improvement and wildlife management. Therefore, I fully support much of what is in the Bill, and I will speak to all the groups of amendments. The first group of amendments concerns clause 1, which relates to the biodiversity duty. I wanted to make those introductory remarks, and I thank you, Mr Deputy Speaker, for giving me the opportunity to do so.

Conservation is one of the issues that we in the Province must take seriously. We undoubtedly have the richest beauty in the whole United Kingdom, and we need to protect and enhance that. Amendment No 1 will amend clause 1 so that the Department "must" issue guidance. That firms up the notion of guidance. My only issue is the prohibitive cost of issuing guidelines

to every public body. At the same time, I can see the benefit of each body being aware of its biodiversity duties. I have only a short comment to make on biodiversity duty.

2.15 pm

Amendment No 2 puts in place a timescale, as opposed to “from time to time”. That is good, because a Bill must be clear and specific, leaving no grey areas. It is important that we put things down categorically in black and white, rather than leaving it to someone to decide at some time in the future what they want to do. I agree that five years is a good timescale in which to work, taking into account the cycle of nature itself.

Amendment Nos 3, 4 and 5 put the onus on public bodies, as opposed to just the Department. That will ensure continuity of approach and strategy across the different sectors with reference to flora and fauna. I support the group 1 amendments.

Mr Kinahan: I, too, declare an interest. I am a farmer looking after about 200 acres of land and the historic buildings and wildlife that go with it. I am extremely pleased to speak on this subject; it is vital that we do so. It is a year since I made my maiden speech, in which I said that I would fight hard for the rural community when I felt that the urban community was taking over or threatening it. This Bill has one or two items in it that we need to fight extremely hard.

I shall start with one or two general points. This is where the Assembly is at its best — making Northern Ireland a better place to live for us and for the wildlife. However, it falls on us to make the decisions. Many stakeholders have come and spoken to us, and it is our job to balance all the information in order to make the right decisions. Sometimes that information is not perfect, and sometimes it is laced with emotion. Therefore, we have to be the wise ones here; we have to try to be Solomon. The Environment Committee is fortunate because we have a Minister who listens, on which I congratulate him. In some Departments, it is evident that the Committee and the Minister do not work well together.

We are here not just to protect wildlife but to preserve ways of life, and that is the balance that we have to get, without being draconian. We have to listen and decide, and we have listened to evidence about hares, traps, ASSIs and other

things. Today, we make those decisions. As the Chairperson said, we have to find the best practice. All along, we have known that much of this will fall on the law-abiding people of Northern Ireland, whom I congratulate. However, many will break the rules and ignore what we are doing, so we have to find ways of catching them.

With respect to the biodiversity duty — Members may get bored hearing me say this — I want to make sure that we put things in language that we can all understand. I have raised this many times. We and some people in councils may understand what “biodiversity” means. A year ago, I picked up my ‘Oxford English Dictionary’, and I discovered that there is no such word as “biodiversity”. We have to find a plain English way to communicate this down to those on the ground.

I welcome amendment No 1, which proposes to change the word “may” to “must”. However, a word of warning: there is no point in having “must” unless the guidelines are right or as close to being right as we can make them. We have to have a balance in this; I will come back to that word all the way through. In Europe, the Germans will bring in many rules that we all have to follow; the French will bring in rules that we all have to follow but they do not; and many other cultures are getting involved in things that are going to affect us in the wildlife world. Our job is to get the right balance. I would like to see the word “must” included, but there is a warning with that.

Amendment No 2 introduces a time limit of within five years. That is vital. We do not want the Bill to be passed and then forgotten about for 25 years. It has to be reviewed all the time — every five years at most. The Department and all of us should learn all the time as new information comes forward, and we should review our decisions as we progress. I welcome the amendment.

I also welcome amendment Nos 3, 4 and 5, which change references to “the Department” in the Bill to “a public body”. I spoke at a biodiversity conference in Newtownabbey, and seven of our 26 councils have some type of biodiversity officer. However, a whole mass of them do not have anyone who concentrates on what we are trying to put into law, so we must work with the councils. Again, I have a warning: public bodies must be educated to know what we are trying to put across. I welcome the

amendments, but I warn that we may have to prioritise because of cost cuts that will be coming at us. We must always keep it in mind that we will have to make difficult decisions as we learn and change over five years.

I welcome and support the first group of amendments.

Dr Farry: I support all the amendments in group one. I appreciate that we have a detailed agenda to go through in respect of this Bill, so I will keep my remarks brief, certainly at this stage. I place on record my party's praise for the very close working relationship that we have seen between the Minister and Department on one hand and the Committee on the other in relation to the revision of the legislation, which is very welcome. We look forward to a productive afternoon.

We welcome the further strengthening of the specific duties in respect of biodiversity in the amendments before us. In particular, it is important that we try to extend the statutory duty from the Department to all public bodies. It is also important to recognise that the circumstances in which diversity may need to be protected or may be under threat do not fall purely within the remit of the Department of the Environment; they can emerge in a whole host of scenarios. We must reflect that in the approach taken by the legislation. I note that that approach is much more broadly based than the more narrow approach in the recent forestry legislation. That was a minor flaw in what was otherwise an excellent piece of legislation from the Department of Agriculture and Rural Development. Equally, arising from that, we welcome the commitment to work on a cross-cutting basis on the protection of wildlife and the natural environment. Again, that reflects the fact that this issue does not sit in individual silos; it requires collaboration across society.

Biodiversity is important, not just in flora and fauna but in our society and our future development. I note that Mr Kinahan made remarks about respecting traditions. It is absolutely fine to respect traditions, but we have to acknowledge that standards and attitudes in society change. In the twenty-first century, there is much greater acknowledgement of the importance that wildlife provides to our society. There is a much greater interest in protecting wildlife than in simply viewing it as a resource to be exploited. Our attitude is much

more sophisticated than the traditional attitude towards wildlife through the ages, and I think that most people welcome that.

Mr Wells: I have no problems with the amendments. It is important that we instil in Departments and public bodies generally the importance of the protection of wildlife and nature conservation. It is one thing putting that on paper; ensuring that it is implemented on the ground is totally different.

Although we in Northern Ireland to some extent pay lip service to the importance of conserving our flora and fauna, the situation on the ground is far from encouraging. Many people's views on the environment in Northern Ireland are similar to those of the man who bought a new Range Rover to take his bottles to the recycling plant. In other words, we are quite prepared to do the soft things. We are quite prepared to plant the trees, to do the odd bit of litter picking and, perhaps, to do a bit of recycling. However, whenever we as a society are asked to do something that affects our pockets, our commerce or the urbanisation of our countryside, we are not so keen on the environment.

We must instil the importance of our natural environment into every level of government. Quite frankly, whenever I drive round the countryside in Northern Ireland, I absolutely despair about what is happening to it and to our wildlife. For a long time, Northern Ireland was booming. We had a house-building frenzy in urban and rural areas, we had a major increase in our roads infrastructure, and we had a great deal of concreting of our countryside. Nevertheless, the tide has turned to some extent, and there have been some welcome developments, the obvious one being the single farm payment scheme and cross-compliance. Those developments have turned the tanker, as it were, from a situation where there was production for production's sake in agriculture and everything was geared towards producing the maximum return from our land to one where we are now giving landowners and farmers incentives to protect the countryside. That is a good thing, and it has stopped the massive loss of hedgerows in the Province and the drainage of our wetlands, for example. However, an awful lot of damage was done, and it will take many decades to restore Northern Ireland's countryside to what it was in the 1950s, for example.

Nevertheless, we must start somewhere. Putting the onus on government bodies to take the lead is a good thing. I welcome the fact that the Minister has accepted the amendments. The changing of the word “may” to the words “shall” and “must” is also a good thing. It means that whenever Departments step out of line and do something that is clearly to the detriment of the countryside, at least the Bill can be quoted to prove that they are not honouring the basic tenet of faith on what we should be doing in our countryside. Northern Ireland has lost so much, and it is now important that we turn that tide of destruction and start to rebuild our countryside.

We have lost important species. When I was young, which was a long time ago in the 1970s, I remember — *[Interruption.]* Some Members have good memories. In fact, it was the 1960s — possibly even the 1950s. I recently told a group of Queen’s students that my political career had been interrupted by the Boer war, and they said to me, “Mr Wells, please tell us more”. The Boer war took place between 1896 and 1901. However, to be serious, I remember walking to school through fields in north Armagh where six or seven pairs of corncrakes were calling. Such events do not happen any more, and the species is practically extinct in Northern Ireland. We have only one nesting pair of cough left in Northern Ireland. Species such as lapwing and ground-wading birds such as redshank and snipe have disappeared from much of our countryside. We have lost so much, and Northern Ireland is the poorer for it.

Therefore, I welcome the fact that the Minister has, on this occasion, decided to beef up, as it were, the legislation to compel Departments to do better. I will speak at much greater length on the other clauses and amendments. The Minister will find that there is unanimity in the House on the matter and that we are sending out a clear signal as to where government agencies and public bodies should be going in the future.

Mr B Wilson: Like other Members, I thank the Minister for responding to the issues that the Committee raised. The Wildlife and Natural Environment Bill is important legislation, and we can all support it. However, on a previous occasion, I raised the fundamental issue of policing and enforcement, and I am still concerned about that. It is all right having the legislation, but I am concerned as to whether it can be enforced and policed.

I will talk about amendment Nos 1 to 5.

In my speech at Second Stage, I called for a tightening of the legislation on biodiversity, and the Minister responded quite well to that. The change from the Department “may” to “must” in amendment No 1 is a fundamental change. Doing nothing has now been ruled out, and that is a major improvement. I also asked that there be a progress report on the implementation of Department’s biodiversity strategy every three years. However, amendment No 2, which calls for that report to be published every five years, is acceptable. Amendment Nos 3, 4, and 5, which extend the biodiversity duty to other public bodies, also represent fundamental changes. Therefore, there has been a significant tightening of the legislation in respect of biodiversity, which I support.

2.30 pm

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. Most of the points on the amendments to the biodiversity duties of the Bill have been made for me by other Members, and I agree with much of what has been said. However, biodiversity is, in a sense, a movable feast. Jim Wells mentioned the change in biodiversity that has occurred over many years, yet no one has been able to confirm what caused that change among our birdlife, our flora and fauna. However, a tightening of biodiversity duties will happen regardless.

Farmers currently undertake cross-compliance and it is debatable whether that will continue if the single farm payment is discontinued. Indeed, it is possible that there will be a reversion to practices in farming which may not protect species. Farmers have management agreements in those areas, and, although the Government does not actually own the land, in some instances farmers would say that they may as well because they have so little control over it.

Species including the curlew, the corncrake and many others have disappeared from Fermanagh and elsewhere. However, elements outside of this country may be responsible for that, rather than any practices that have been undertaken here. Crom Estate in Fermanagh is an ASSI. Indeed, almost all of County Fermanagh is protected in that way, and what Members are being asked to support in the Bill will mean that people will not even be able to walk in protected areas. However, there is one area in

Crom Estate in which protected flora species have disappeared, despite the area having been fenced off and not farmed. It is all down to research and follow-up, but I agree with much of what has been said.

The Minister of the Environment: Most Members seem to be in almost complete agreement with the proposals on biodiversity; therefore, I do not intend to prolong this part of the debate. However, there may be more vociferous debate when the next group of amendments is debated.

Without the legislation, there cannot be enforcement of environmental protection, and we must put the horse before the cart. Developing the role that public bodies have in addressing biodiversity challenges and ensuring that those are met is a good thing. The Bill also sets out greater enforcement measures, including custodial sentencing, which did not previously exist, and it is important that those who prosecute environmental crime have the power to impose custodial sentences as well as fines. The Bill will also provide the PSNI with greater powers to collect evidence and serve conviction notices.

There are quite a number of positive aspects in the biodiversity element of the Bill. I ask the House to support amendment Nos 1 to 5.

Question, That amendment No 1 be made, put and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2 (The biodiversity strategy)

Amendment No 2 made: In page 2, line 8, leave out subsection (4) and insert

“(4) The Department must—

(a) not later than 5 years after the coming into operation of subsection (1), and

(b) at least once in every period of 5 years thereafter,

publish a report regarding the implementation of any strategy designated under that subsection.” — [The Minister of the Environment (Mr Poots).]

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 (Biodiversity lists)

Amendment No 3 made: In page 2, line 20, leave out “the Department” and insert “a public body”. — [The Minister of the Environment (Mr Poots).]

Amendment No 4 made: In page 2, line 21, leave out “Department” and insert “body”. — [The Minister of the Environment (Mr Poots).]

Amendment No 5 made: In page 2, line 24, at end insert

“(4) In this section ‘public body’ has the same meaning as in section 1.” — [The Minister of the Environment (Mr Poots).]

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 (Protection of nests of certain birds)

Mr Deputy Speaker: We now come to the second group of amendments for debate. With amendment No 6, it will be convenient to debate the related amendments on the protection of various species.

The Minister of the Environment: I beg to move amendment No 6: In page 2, line 37, at end insert

“Eagle, White-tailed	Haliaeetus albicilla
Osprey	Pandion haliaetus
Owl, Barn	Tyto alba
Peregrine	Falco peregrinus
Kite, Red	Milvus milvus”

The following amendments stood on the Marshalled List:

No 7: In clause 9, page 4, line 29, after “as” insert

“—

(a) a common seal (phoca vitulina),

(b) a grey seal (halichoerus grypus), or

(c)”. — [The Minister of the Environment (Mr Poots).]

No 25: After clause 32, insert the following new clause

“Special protection for game

32A.—(1) The Game Preservation Act (Northern Ireland) 1928 is amended as follows.

(2) In section 7 (close seasons) after subsection (3) insert—

(3A) If it appears to the Department expedient that any game birds should be protected during any period outside the close season for those birds, the Department may make an order with respect to the whole or any specified part of Northern Ireland declaring any period (which shall not in the case of any order exceed 14 days) as a period of special protection for those birds.

(3B) This section shall have effect as if any period of special protection declared under subsection (3A) for any game birds formed part of the close season for those birds.

(3C) Before making an order under subsection (3A) the Department shall consult a person appearing to the Department to be a representative of persons interested in the shooting of game birds of the species proposed to be protected by the order.

(3) In section 7C(1) (special protection order for game) after 'purchase' insert 'or possession'. — [The Minister of the Environment (Mr Poots).]

No 27: In schedule 1, page 20, line 10, at end insert

"Curlew	Numenius arquata"
---------	-------------------

— [The Minister of the Environment (Mr Poots).]

No 28: In schedule 1, page 20, line 17, at end insert

"Lapwing	Vanellus vanellus"
----------	--------------------

— [The Minister of the Environment (Mr Poots).]

No 29: In schedule 1, page 20, line 18, at end insert

"Plover, Golden	Pluvialis apricaria"
-----------------	----------------------

— [The Minister of the Environment (Mr Poots).]

No 30: In schedule 1, page 20, line 20, at end insert

"Redshank	Tringa totanus"
-----------	-----------------

— [The Minister of the Environment (Mr Poots).]

No 31: In schedule 1, page 20, line 22, at end insert

"Whinchat	Saxicola rubetra"
-----------	-------------------

— [The Minister of the Environment (Mr Poots).]

No 32: In schedule 1, page 20, line 30, at end insert

"(4) In Part 2 omit the following entry—

Common name	Scientific name
Plover, Golden	Pluvialis apricaria"

— [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 33: In schedule 1, page 21, line 2, at end insert

"(3) In Part 1 omit the following entry—

Common name	Scientific name
Curlew	Numenius arquata"

— [The Minister of the Environment (Mr Poots).]

No 34: In schedule 1, page 21, line 2, at end insert

"(3) In Part 1 omit the following entry—

Common name	Scientific name
Plover, Golden	Pluvialis apricaria"

— [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 35: In schedule 1, page 21, line 3, leave out paragraph 4. — [The Minister of the Environment (Mr Poots).]

No 36: In schedule 1, page 21, line 5, leave out sub-paragraph (2) and insert

"(2) Omit the following entries—

Common name	Scientific name
Bunting, Reed	Emberiza schoeniclus
Twite	Carduelis flavirostris
Yellowhammer	Emberiza citronella"

— [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 37: In schedule 1, page 21, line 29, at end insert

"Hare, Irish	Lepus timidus hibernicus"
--------------	---------------------------

— [Dr Farry.]

No 38: In schedule 1, page 21, line 34, after "Common" insert

"(in respect of Article 10(1) only and with respect to coastal waters only)". — [The Minister of the Environment (Mr Poots).]

No 39: In schedule 1, page 24, line 17, at end insert

"Deer, Chinese water	Hydropotes inermis"
----------------------	---------------------

— [The Minister of the Environment (Mr Poots).]

No 40: In schedule 1, page 24, line 18, at end insert

"Deer, Roe	Capreolus capreolus"
------------	----------------------

— [The Minister of the Environment (Mr Poots).]

No 41: In schedule 1, page 25, leave out line 16 and insert

“Knotweed, Giant	Fallopia sachalinensis
Knotweed, Himalayan	Polygonum wallichii
Knotweed, Japanese	Fallopia japonica”

— [The Minister of the Environment (Mr Poots).]

No 42: In schedule 2, page 26, line 12, at end insert

“1A. After section 7F insert—

‘Relationship of this Act with Wildlife Order

7G. Sections 7(1) and (2), 7A(1) and 7D(4) do not have effect in relation to a hare included in Schedule 5 to the Wildlife (Northern Ireland) Order 1985.’ — [The Minister of the Environment (Mr Poots).]

No 45: In schedule 2, page 28, line 2, at end insert

“18. In Article 29(3) (orders) after ‘any order’ insert “(other than an order under Article 4(10)).” — [The Minister of the Environment (Mr Poots).]

No 48: In schedule 3, page 28, line 10, at end insert

“In Article 4(12) the words ‘Without prejudice to Article 29(3),’ — [The Minister of the Environment (Mr Poots).]

The Minister of the Environment: We oppose the amendments that have been tabled by the Chairperson of the Committee for the Environment to give protection to the golden plover and to remove three species of birds from schedule 4 of the Wildlife (Northern Ireland) Order 1985. We also oppose amendment No 37 to give the Irish hare full protection.

Clause 4 introduces new all-year-round protection for the nests of certain birds that habitually use the same nest year after year, as their loss could seriously affect the breeding success of such birds. The Committee for the Environment considered that that protection should be extended to other species of bird: the white-tailed eagle, the osprey, the peregrine, the barn owl and the red kite, which, in the past two years, has been subject to a reintroduction programme in Northern Ireland. I fully agree with the Committee’s recommendation, and amendment No 6 adds those species to the new schedule that is provided by clause 4(3).

Clause 9 introduces new protection for basking sharks from intentional or reckless disturbance. Due to their ecology, basking sharks do not have

a normal resting place or place of shelter, hence the new protection. The Committee for the Environment recommended that such protection should also be afforded to seals, particularly when they are away from land. I fully agree with that recommendation, and amendment No 7 expands that protection to the two species of seal that are found in Northern Ireland.

Amendment No 25 concerns powers to make special protection orders to protect wildfowl during periods of extreme weather. As Members will be aware, the past winter in Northern Ireland was the most severe since the early 1960s. As a consequence, my Department issued a severe weather order made under powers contained in the Wildlife Order. The severe weather order is designed to protect all birds that rely on wetland habitats, such as wildfowl and wading birds. Due to a legal technicality, it is not possible to include two important species of waders, namely woodcock and snipe. They are game species protected under separate game laws, which do not contain any provision for making severe weather orders. It is important that all species of wading birds can obtain protection during periods of extreme weather. Therefore, I propose to amend extant game laws to allow such protection. That essentially means replicating existing powers contained in the Wildlife Order within the game laws.

Amendment Nos 45 and 48 are also concerned with severe weather orders. There is a requirement on the Department to consult district councils affected by those orders prior to making them. By their nature, the orders need to be made urgently in severe weather conditions, and there is simply not enough time for the Department to meet its obligation to consult. The amendment, therefore, removes that obligation. The requirement to consult shooting interests will continue to apply as it is an integral part of the protocol for agreeing to the need to make severe weather orders.

Amendment No 25 also amends section 7C(1) of the Game Preservation Act 1928. That section gives me, as Minister, the power to issue special protection orders on any game species for a period not exceeding one year. Such orders can prohibit the taking, killing, sale or purchase of any game specified in such an order. The Environment Committee recommended that such orders should be augmented to make possession an offence. I

am content to accept that recommendation and to propose the amendment.

Amendment Nos 27 to 34 concern changes to schedule 1 to the Wildlife Order. The Environment Committee has recommended adding a number of species of bird to schedule 1 to the Wildlife Order. Those include the curlew, lapwing, redshank and whinchat. The curlew is currently listed on schedule 2 to the Wildlife Order, which is commonly known as the quarry list, and can be hunted. Adding it to schedule 1 to the Wildlife Order will remove it from the quarry list.

I have been aware of competing arguments from relevant interests about the future status of that species. Having considered the conservation pressures on the species, I have concluded that greater protection is required. Therefore, I agree with the Committee's recommendation to support protection for the four species that I have mentioned, which are amendment Nos 27, 28, 30 and 31. As a consequence, the curlew should be removed from schedule 2 to the Wildlife Order, which is amendment No 33.

Amendment Nos 29, 32 and 34, which were tabled by the Chairperson of the Environment Committee, call for the removal of the golden plover from the quarry list. I oppose those amendments, as available evidence from between the 1980s and 2008 indicates little overall change in the wintering population of golden plover. The evidence indicates a stable wintering population of golden plover in Northern Ireland, with more than 21,000 birds counted in the 2008 peak month. I understand that, on average, over 10 years, the British Association for Shooting and Conservation membership recorded a bag of golden plover of 12 birds each winter. Such a low take cannot negatively impact the population and would be clearly sustainable. Removal from the quarry list is, therefore, not required for the conservation of the species at this time.

The Bill proposes to make a number of additions to schedule 4 to the Wildlife Order. Schedule 4 lists those species of birds that people are permitted to possess for avicultural purposes under licence issued by DOE. Such birds have been bred in captivity and ringed with an authorised form of ring. The Environment Committee cited reports of illegal imports into the UK of wild birds from the continent.

The Committee was concerned that the addition of more birds could pose a risk to the wild bird

population in Northern Ireland. Subsequently, the Chairperson tabled amendment No 36 to remove three species from the extant schedule 4; reed bunting, twite and yellowhammer.

2.45 pm

Although there is no evidence of any illegal activity in Northern Ireland, I initially decided not to pursue the proposed additions, but to maintain the status quo with regard to the list of birds that people can possess legally; hence amendment No 35. I am conscious that anyone who possesses any of those birds under the existing schedule is subject to regular monitoring by the Northern Ireland Environment Agency. To date, there have not been any problems concerning non-compliance with conditions of licences. I have given further consideration to the matter and have decided not to pursue my initial amendment because there is clearly very limited risk to the wild bird population in Northern Ireland. I will, therefore, not move amendment No 35. For that reason, I will oppose amendment No 36, which has been tabled by the Committee Chairperson.

Amendment No 37 proposes to give full statutory protection to the Irish hare by placing it on schedule 5 to the Wildlife (Northern Ireland) Order 1985. Ecological evidence indicates that the main factors that limit the Irish hare population are availability and quality of suitable habitat. Activities such as hunting have negligible impact on the overall population. Ten years ago, the Irish hare population was one hare per sq km. My Department developed a species action plan to address conservation concerns. That plan included two key targets that related to the overall population, including a target to double the population in as wide an area as possible over a 10-year period.

Data from the annual survey show that targets that are contained in the action plan have been achieved. Research also shows that there has been no regression of the population's genetic strength. Therefore, my Department considers the Irish hare population stable. On that basis, I do not believe that it is necessary to give it full statutory protection. My Department will conduct a review of the current action plan with a view to developing a new plan that will aim to continue to focus on the key actions that will help to maintain the population that we have achieved throughout Northern Ireland.

Mr Ford: Will the Minister give way?

The Minister of the Environment: With the help of the Department of Agriculture and Rural Development's schemes and other projects, my Department aims to improve those numbers over the next 10 years.

We will engage in debate, during which other Members can make their cases. I will be quite happy to give way during my winding-up speech if that is required.

At present, therefore, I am not prepared to support amendment No 37.

Mr Ford: Will the Minister give way?

The Minister of the Environment: As I explained, I am not happy to give way now. However, I will give way during my winding-up speech at the end of the debate. People will have an opportunity to make their cases, as opposed to starting debate at this point.

Amendment No 38 is a technical amendment that relates to protection for the common skate. As a commercially exploited species, the common skate falls under the scope of the EU common fisheries policy, which applies in the region of Northern Ireland's territorial waters beyond six miles. It is, therefore, permissible to afford protection under the ambit of the Wildlife Order only within the six-mile limit.

Amendment Nos 39 and 40 relate to the proposal to add two species of deer to schedule 9 to the Wildlife Order. It is an offence for anyone to release or to allow to escape into the wild any species that is listed in schedule 9. Chinese water deer and roe deer are highly invasive species. If they become established in Northern Ireland, significant damage will be caused to agricultural interests and biodiversity. I agree with the Committee for the Environment that those species should be added to schedule 9 to the Wildlife Order.

Amendment No 41 is a technical amendment that has been agreed by the Committee and intends to clarify in scientific terms the specific species of knotweed that should be listed in schedule 9 to the Wildlife Order. That schedule lists highly invasive non-native species.

Amendment No 42 arises as a consequence of that which was tabled by members to give the Irish hare, a game species, full statutory protection under the Wildlife Order. Although I do not support the amendment to add the Irish hare to schedule 5 to the Wildlife Order at this

time, that amendment will facilitate consistency between game laws and future wildlife Orders in the event that the Irish hare is ever given full protection.

The Chairperson of the Committee for the Environment: Go raibh maith agat, a LeasCheann Comhairle. On behalf of the Committee, I welcome amendment No 6 to clause 4, which, as we heard, introduces new statutory protection for the nests of particular birds all year round. The Bill listed only the golden eagle, but various specialist groups advised the Committee that the list should be extended to include other species found in the North that also return to their nests year on year.

Consequently, the Committee recommended that the red kite, the osprey, the peregrine and the barn owl be added to the list. Amendment No 6 provides that recommendation. There was some debate about the extent to which the barn owl can be considered in this category as being nest loyal. Unlike the other species to which I referred, which consistently return to and use the same site year after year, the barn owl might appear to be a little less consistent. However, evidence presented to the Committee suggested that, although barn owls elsewhere have demonstrated flexibility in their choice of nesting sites, their pattern in the North is more rigid. Consequently, the Committee felt that the vulnerable population of barn owls would benefit from inclusion on the list.

Amendment No 7 is also welcomed by the Committee. It adds to clause 9 the two species of seal that are found in the seas around the North. Clause 9, as drafted, creates a new offence for anyone intentionally or recklessly disturbing basking sharks. The Committee supported greater protection for basking sharks but, picking up on advice from several specialist groups, recommended that the protection should be extended to seals.

I move now to amendment No 25. The Department advised the Committee that, as a result of difficulties encountered during last winter's prolonged cold spell, it would be making amendments to the Bill that would allow the process of protecting wading birds to take place more easily when necessary. That was accepted, in principle, by the Committee, so I am happy to accept, on the Committee's behalf, the part of amendment No 25 and the technical amendment to schedule 2 provided by amendment

Nos 45 and 48 that address that. More important to the Committee, however, was the need to close what it perceived to be a loophole in special protection orders that allowed a person to be in possession of a game species when its killing and taking were temporarily banned by an order. On behalf of the Committee, therefore, I welcome the inclusion of the word “possession” to special protection orders that will be introduced by amendment No 25.

I move now to amendment No 27, which amends schedule 1. It is true to say that that area exercised most of the Committee’s time while it was scrutinising the Bill. It became apparent early in the Committee’s deliberations that there was a need for greater protection of the curlew. The bird is currently on the quarry list, which is the list of birds in the Wildlife Order 1985 that may be killed or taken. Many organisations that provided evidence to the Committee called for it to be given greater protection to allow its population to recover. The Committee recommended that not only should the curlew be removed from the quarry list but that it should be added to the list of birds that are protected at all times in the 1985 Order. That will be achieved by amendment Nos 27 and 33, which are welcomed by the Committee.

On the basis of evidence of declining populations, the Committee also recommended the addition of the lapwing, the redshank and the whinchat to the list of birds that are protected at all times, and I am pleased to welcome amendment Nos 28, 30 and 31, which will deliver that.

I move now to the fifth bird in that set. As was the case with the species that I just mentioned, the Committee was advised by experts that the population of the golden plover was also struggling in the North and that its ongoing inclusion on the list of game birds should be reviewed. The Committee sought additional information from the Department, which suggested that, although the population of the golden plover is low in the North, it is stable. The Department told the Committee that it would be monitoring the golden plover populations closely and reviewing its status in five years’ time. However, the Committee noted that golden plover numbers in England were on the increase and that, to give it a better chance in the North, it would be more sensible to afford greater protection to the bird now and to review the situation in five years’ time, reinstating it as a game species if its population is healthier. With

that approach in mind, the Committee tabled amendment No 29, which will add the golden plover to the list of birds that are protected at all times, and amendment No 34, which will take it off the list of birds that may be taken or killed.

Amendment No 32 removes the golden plover from the list that allows it to be subject to a closed period, as that would become a redundant requirement if that bird were to be given full protection.

I will move on to amendment Nos 35 and 36. The Bill proposes that an additional 16 species of wild bird be added to the list in the Wildlife Order of birds that can be kept in captivity and shown for competitive purposes. Expert groups that gave evidence to the Committee argued that the appropriate research needed to be carried out and that proper cases needed to be made before any more species are added to that list. They argued that it was not sufficient to look at the lists used in other regions and copy them here. The expert groups also said that there is evidence that keeping captive collections for showing encourages the illegal trafficking of those species in the wild, particularly on the European mainland, and that species with vulnerable populations should be excluded.

Stakeholders were particularly concerned about the pressure that would be placed on the twite, reed bunting and yellowhammer, which are among the most vulnerable species in the North today. Those three species are on the list of wild birds that can be kept in captivity. Departmental officials defended the addition of the 16 species, and those on the existing list in the Wildlife Order, by suggesting that the licensing system in the North was much tighter than in other regions. For example, one third of licence holders here are inspected annually. Nonetheless, the Committee felt that it was appropriate for the three most vulnerable species to be removed from the existing list and that no additional species should be added.

Amendment No 35, which was tabled by the Minister, would go some way towards the Committee’s position by preventing the addition of 16 new species to the list. The Committee is pleased that its concerns have been recognised in part. However, as amendment No 35 does not remove any species from the list, the Committee has tabled amendment No 36, which will prevent the addition of 16 new species and remove the twite, reed bunting and yellowhammer from the list.

The Bill is silent on the Irish hare. However, no one could accuse the Committee of being silent on it, nor the many organisations that lobbied us during Committee Stage: each was as determined as the other that its position was the correct one. Members considered at length the evidence put before them, which ranged from those who were adamant that the Irish hare should be afforded greater protection to those who provided scientific evidence that Irish hare populations thrive where sporting activities involving the Irish hare are traditional.

Departmental officials advised the Committee that the greatest threat to the Irish hare was loss of habitat and that an Irish hare species action plan to address that situation had doubled the population over recent years. However, the officials also noted that obtaining accurate and consistent data on the Irish hare was difficult. They advised the Committee that the Department has recourse to special protection orders to protect the Irish hare when populations become critical and that it has used that method satisfactorily to date. On balance, therefore, the Committee agreed that the Irish hare should remain on the list of game species, with temporary special protection orders being introduced when numbers decline. That position is in keeping with the Bill.

I was going to read out two or three more pages of comments in favour of the Committee's position on the Irish hare. However, as the Minister intends to oppose amendment No 37, I will not continue that debate.

Mr Deputy Speaker: I am sorry to interrupt the debate, but we will return to it after Question Time, which begins at 3.00 pm.

3.00 pm

Oral Answers to Questions

Social Development

Commission on the Future for Housing in Northern Ireland

1. **Miss McIlveen** asked the Minister for Social Development for his assessment of the recommendations made in the May 2010 report by the independent Commission on the Future for Housing in Northern Ireland. (AQO 1468/10)

The Minister for Social Development

(Mr Attwood): I thank the Member for her question. The report is a weighty one, with 140 recommendations. The Department and I are making an assessment of those recommendations. I trust that the quality measures up to the quantity. Some very early conclusions can be drawn. The first and most fundamental is that the report says what everybody with any insight into this matter confirms: housing needs to be put on a secure financial basis. The hand-to-mouth existence from CSR to CSR, year to year, or from one monitoring return to another, is not the way to make the best plans for a service as essential as housing in the North. I welcome that recommendation, and I look forward to sharing with the House my and the Department's views in due course.

Miss McIlveen: I thank the Minister for his answer. The commission report contains a chapter on how the good work of the Northern Ireland Housing Executive can be improved on. How does the Minister plan to take forward any reform of the Housing Executive?

The Minister for Social Development:

Without prejudice to the commission's recommendations, a review of the Housing Executive will be launched in the near future. As I have said before, I do not intend that to be a light-touch review. It will, without prejudice, look at some matters that the commission has raised, including the future of the Housing Executive in respect of its strategic role and its landlord role.

I hope that the House will take forward work on some areas on which the report is somewhat silent, including the need to deepen a shared future generally in our society, and particularly in respect of housing. Although there is no doubt that the report makes some useful recommendations, it is light on some essential challenges that face our society and housing. I will not shirk issues around the future of the Housing Executive, but I will make sure that we build on the best of the work of the Housing Executive, which has so well served communities in the North over the past 40 years.

Mr Burns: What is the Minister's assessment of the commission's proposal on shared future housing?

The Minister for Social Development: As I indicated, the commission was somewhat light in what it said about a shared future and shared future housing. As the House knows, my predecessor put in place mechanisms not only to try to build shared housing estates but to develop shared housing neighbourhoods. A number of weeks ago, I had the pleasure of travelling on a steam train in Coleraine with people from shared housing neighbourhoods whose aim was to demonstrate what could be done in that regard. The Deputy Speaker will be particularly aware of that matter. I hope to launch 14 more shared housing neighbourhoods in the near future to build on the 16 that my colleague Margaret Ritchie introduced.

Mr Beggs: The report discusses how housing functions could be transferred to local councils following the review of public administration (RPA) process. Given the failure to implement that reform, will the Minister outline his plans for the relationship with the existing 26 councils, which are destined to continue?

The Minister for Social Development: It would be a brave man who would jump in on that particular question, given the disappointment last week in respect of local government reorganisation. At the Executive, I, on behalf of my party, voted in favour of reorganisation. Whatever the difficulties or hurdles, my party's view is that we could have got over that in the next year. It is a disappointment and, perhaps, a negative reflection on government over the past number of years that that matter was not captured. I have arranged to meet my officials to see whether there are any matters that we can rightly take forward, either now or in the short

term, in respect of devolving responsibilities to local councils. As I said, I am not going to prejudge that debate, given the situation that now transpires. I am certainly not going to prejudge it in a situation in which, as we learned in the past number of hours, further budgetary pressures are being planned for the devolved arrangements through the London Exchequer Budget. I hear what the Member is saying. I am going to discuss it, and will come back to the House and the Committee if I think that that is appropriate, but for the moment, I am going to keep my powder dry.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. My question is about the block leasing of housing units from the private sector and the wider use of the private-rented sector in the provision of social housing. Will the Minister tell us whether the recommendations made in the report will be considered ahead of the introduction of a mandatory regulation scheme and firm controls of the unregulated sector, which receives upwards of £85 million of public money a year?

The Minister for Social Development: I thank the member for his question. As he is no doubt aware, legislation was tabled in the House this morning to take forward a number of matters, particularly about the private-rented sector. Therefore, I think that it is best, in the first instance, to legislate for the matters that are outlined in that legislation in respect of the private-rented sector. If other matters about the private-rented sector arise from the report, which, as I said, we have yet to draw conclusions on, I will come back to the House and consider those. However, at this stage, I do not have any particular plans to enhance the legislation that I tabled this morning and that the House will consider in due course.

I want to make one thing about block leasing very clear: although there are issues involving the Housing Executive that we need to have a full conversation about, without prejudice to how that ends up, I am not going down the road of privatising housing stock in the North. The Housing Executive is responsible for 90,000 properties. Whatever way we may refinance and remodel in the future, it will not involve going down the road of the privatisation of stock transfer or any variation of that model. It is curious that one thing the commission did recommend was not to go there, and I have some sympathy in that regard.

Housing Associations: Off-the-shelf Purchases

2. **Mr Hamilton** asked the Minister for Social Development what process is in place to ensure that residents in housing developments are consulted when housing associations propose to purchase properties 'off the shelf'.

(AQO 1469/10)

The Minister for Social Development: I thank the Member for his question. It is the case that there is no statutory obligation on any housing association to consult with homeowners prior to purchasing off-the-shelf properties. Without wishing to pre-empt Mr Hamilton's supplementary question, I think that it is good practice that, when a housing association is going to make an off-the-shelf purchase, there is appropriate consultation with other relevant parties, including those living in the neighbourhood, those living in the development and homeowners.

Mr Hamilton: I thank the Minister for his response. He is aware of a case in Newtownards where concerns have been expressed by existing homeowners about the lack of consultation in respect of off-the-shelf purchases in their development. Will the Minister ensure that the housing association guide is reviewed with a view to amending it to ensure that that proper consultation is there in the future?

The Minister for Social Development: I am pleased to give that reassurance. I confirmed with officials only this morning that that will be built into the housing association guidelines, and I went further and suggested to officials that they advise housing associations, when purchasing properties off the shelf, to ask landowners' lawyers to share with them title deeds and leaseholds for neighbouring properties that may or may not have some influence on the lands that they intend to buy.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle. In the past number of years, I have been told by a number of housing associations that, when they are purchasing housing units, either off the shelf or on the open market, they then have to spend between £8,000 and £10,000 to bring them up to the high standard set by housing associations. Does the Minister believe that that is good value for money?

The Minister for Social Development: I trust that the Member agrees that social sector housing should meet certain standards and that we should not cut corners in meeting them. That is laid down in the various guidelines and regulations that govern what housing associations do. Therefore, it is fair and reasonable that housing associations should be required either to enhance their properties in order to bring them up to the standard that Housing Executive tenants enjoy or to build properties that meet that standard.

If the Member can point to cases in which housing associations have been unfairly requested to upgrade, I am prepared to look at them. The evidence may or may not exist. On average, it costs £81,795 to buy a house off the shelf, but it costs housing associations around £14,000 more to build one. I am in favour of housing associations building houses, and it is my very strong preference that that is prioritised. I am not into reconfiguring housing association properties in favour of buying off the shelf. However, at the moment, the evidence suggests that buying off the shelf is the cheaper option even though it may not necessarily be the better one.

Mr Gallagher: Will the Minister set out his Department's policy on the purchase of off-the-shelf housing as part of its social housing development plan?

The Minister for Social Development: As I indicated in my previous answer, there will be occasions when off-the-shelf purchases will enable access to social housing quicker than might otherwise be the case, and I will not close off that option. Two thirds of the properties that came on in the last year were housing association newbuilds and one third was off-the-shelf purchases. I do not want to see that balance changed.

As I say, I wish to see the situation in which housing associations build more houses rather than having to buy more houses off the shelf. However, there will be circumstances where that is appropriate. To go back to what Mr McCann said, there are circumstances where that option works well. For example, Clanmil Housing Association's Causeway Meadows development in Lisburn recently won an award for the quality of the housing that it provides. That development provides housing to people from a diverse mix of community, social and economic backgrounds.

Lower Falls: Regeneration

3. **Mr Adams** asked the Minister for Social Development how his Department can provide 'early wins' in the lower Falls area of West Belfast to support urban regeneration and community development and ensure social improvement.
(AQO 1470/10)

Mr Adams: Ceist uimhir a trí, a LeasCheann Comhairle.

The Minister for Social Development: I thank Mr Adams for his question. I had a useful conversation with him last week, and I look forward to having many other useful conversations with MLAs about the profile of projects that my Department is taking forward. I make it clear to the House that I will judge myself — and everyone in the House, be they MLAs or Ministers, should judge themselves — on not only what I can do to provide quick wins for any one constituency, but what I can do to deliver month in and year in for communities, especially those in need. In making that point, I am mindful of this morning's developments in Westminster in respect of the Chancellor's proposals. Devolution must be seen to work fully in areas of need, such as West Belfast and the lower Falls in particular, given that it has stalled and stumbled by common consent at various times over the past number of years.

My predecessor set out a vision for the development of the lower Falls. A consultation on the master plan took place between October 2009 and March 2010. Opportunities exist to make early progress on the redevelopment of St Colmgall's, Dunville park and public realms on some of the main roads going through West Belfast.

Let me make it clear that those urban regeneration projects, and many more besides, are all subject to money coming back to my Department from the Department of Finance and Personnel (DFP) under the quarterly monitoring returns now and during the year. If significant funds do not come back, worthwhile projects on the lower Falls, and in many other parts of the North, will be strangled.

3.15 pm

Mr Deputy Speaker: I remind Members that if they ask a question in another language, they must translate it.

Mr Adams: Go raibh maith agat, a LeasCheann Comhairle. I am glad of the opportunity to

wish the Minister well, and I thank him for our meeting last week, which was wide-ranging and positive. However, at that meeting, he declined to give a clear answer on the demolition and replacement of the Ross Street flats. Will the Minister confirm today that his Department has, since February 2009, been in possession of an economic appraisal report that recommends the demolition and replacement of those flats? Does he agree that to alleviate the negative social impact on the people of the Falls who want those flats to be demolished, the time has come to act on that recommendation?

The Minister for Social Development: I thank Mr Adams for his question and for the tone of our meeting last week. I answered his question then, and I am prepared to share my response with the House. When my predecessor made a decision on the flats, housing waiting lists in the lower Falls were more acute than they are now. There have been changes since then: 166 houses are being built on the Bass brewery site, a project that Margaret Ritchie brought to fruition some weeks ago; the Fold Housing Association is about to bring housing to the lower Falls; and, over the past 12 months, the number of people on the housing transfer list has declined by 32. Given all those changes, there is an evidence base for my reconsideration of the matter. As I said to Mr Adams and to the 'Andersonstown News', I rule nothing in and nothing out when it comes to that matter.

Various economic appraisals go through Departments, but everybody must be mindful that they must also be agreed by DFP. Therefore, although I rule nothing in and nothing out, I hope that, if the matter is brought forward, it will be agreed.

I know, as do Mr Adams, Mr McCann and all the representatives of West Belfast, that the area has multidimensional difficulties. Although it is important to resolve the housing issue, the resolution of all the other matters is what will create a better community fabric and ensure that those who are antisocial or threaten the stability of the area receive no encouragement.

Mr Campbell: The Minister will be aware of two significant ongoing urban regeneration schemes in Coleraine, which, over the past few years, have been progressed with the assistance of his Department. Will he ensure that every possible assistance continues to be given to private sector developers to ensure that developments

such as those can be brought to a successful conclusion?

The Minister for Social Development: I may have to come back to the Member on that particular matter, as I am not fully aware of the details. However, I am due to go to Coleraine in the near future to see one of those schemes.

I strongly believe that the money invested in urban regeneration and renewal leverages private moneys — as can be seen in various parts of the North. That, in turn, leads not only to short-term job creation through the associated schemes but to more long-term sustainable development because people begin to create businesses in those areas.

There is a great example of that in Belfast. Some businessmen, one of whom was local, saw the ongoing public realm initiatives on Ann Street, which was widely viewed as being in some decline. The businessmen recognised that, as a consequence of those initiatives, there would be an uplift in that area. They invested in opening businesses in the area, including a pizza parlour, and Ann Street is now on the up. That is an example of when money that was invested by my Department leveraged private moneys, which have, in turn, created a better environment.

I can see the same thing happening in Larne, Carrickfergus, Dungannon and Coleraine. However, it can happen only if my Department has money to invest in projects that will create town centre renewal and business opportunities and encourage private investment. If that money is cut off at the source by DFP — I trust that that will not happen, but it could do — those are the types of projects that will be cut off in the local communities that we all represent in the House.

Mr McDevitt: I am sure that the Minister will agree that it is important for west Belfast to have a champion at the Executive table. What progress is being made in the upper Falls area of west Belfast in community development and urban regeneration?

The Minister for Social Development: I thank the Member for his question. I hope that every member of the Executive is the champion for any area of disadvantage in the North, because, if devolution is to measure up, it must do so for those communities. I hope to see all my Executive colleagues live up to that responsibility over the next number of days.

There are many initiatives in west Belfast, many of which were taken forward by my predecessor, Margaret Ritchie. I hope to make announcements shortly on those initiatives. In particular, I met officials and others this morning to discuss taking forward the Glen 10 or Glen 11 proposal. As I indicated to Mr Adams last week, that situation is maturing to the point where an announcement can and shall be made in the very near future. As a consequence of that, an area of west Belfast will have a coherent and cohesive plan, not just for housing but for the full range of public services. That plan will be for an area of land that is bigger than the Titanic Quarter and is one of the biggest single development sites in Northern Ireland. That will happen because, in November last year, Margaret Ritchie took the initiative and created a steering group. That steering group is now developing proposals, which may become more fully fledged over the course of this calendar year. That is a measure of what she achieved, and it is a measure of what can be done in west Belfast.

Mortgage Relief

4. **Mr Butler** asked the Minister for Social Development if he is now ready to proceed with an effective mortgage relief package to ensure that people do not lose their homes due to the collapse of the housing market. (AQO 1471/10)

The Minister for Social Development: I thank the Member for his question. As the Member will be aware, six times in the past nine monitoring returns, we — I in the most recent one, and Margaret Ritchie in the previous eight — made bids for a full-blooded mortgage rescue scheme. Without prejudging the outcome of the current monitoring return, I point out that, in eight of the nine monitoring rounds to date, the bid for £5 million that was put forward in five of those rounds was denied. Therefore, although my Department has done good work in respect of the mortgage and debt advice service, we have not been given the moneys for a full-blooded mortgage rescue scheme. I make that point mindful of the fact that the Scottish Parliament recently invested £20 million in a similar scheme because of that scheme's success. Therefore, although we are doing good work to help people who are in mortgage debt, further intensive measures that we could take with a mortgage rescue scheme have been frustrated.

Mr Butler: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Does he agree that this is the only part of these islands that does not have a mortgage rescue scheme? It is still a matter of dissatisfaction that there is not an evaluation report forthcoming from his Department. We agree that there should be a more strategic approach to offering, for example, greater flexible tenure, which would help to reduce people's mortgages. In the Minister's housing strategy document, there should be explicit proposals about a mortgage rescue scheme. That could move the situation on much better.

The Minister for Social Development: I thank the Member for his question. There is a simple answer and a simple remedy to the first part of his question, which is that, when the Executive meet this Thursday, all Ministers endorse my bid for £5 million for a mortgage rescue scheme. If we are the only part of Britain and Northern Ireland that does not have such a scheme, we can rectify that within three days. So, there is a quick and simple but very effective remedy to the issue raised in the Member's first question.

The Member may be a little confused about the evaluation: the evaluation is of the mortgage debt advice service that was launched in May 2009. The evaluation is due, and I will be pleased to share its conclusions. I have no doubt, however, that they will be positive, because the service has helped 755 people and directly prevented homelessness in 10% of those cases. Therefore, I have no doubt that the evaluation of that part of my business will be positive, and if the service is required, and I have no doubt that it will be, we will take it forward. With regard to a more interventionist scheme, however, Thursday will tell the tale.

Mr Shannon: I thank the Minister for that response. The Minister spoke about the 175 people whom his Department helped. That is good news and a clear example of what can be done. Will the Minister tell the Assembly what success he has had with building societies and banks directly, and with his officials, to ensure that more can be done to build upon those 175 cases? Will he also tell us whether those 175 people are from all parts of the Province or from one specific part?

The Minister for Social Development: The debt advice scheme was accessed not by 175 clients but by 755, 73 of whom, or about 10%,

avoided homelessness. Many of those cases were at the doors of the court. If those whose properties are at risk act quickly — or at least act — it may help them, even as they are walking into the Chancery Court in Belfast. I do not have the figures for the spread of those who had assistance. Many of them might have had assistance in Belfast, in and around the Chancery Court or the Housing Rights Service, which provides that service.

As for dealing directly with the banks, I think that that is being taken forward by my Executive colleague Arlene Foster on the Department of Enterprise, Trade and Investment side. I will come back with further details on that.

Mr McNarry: In answer to the original question, the Minister spoke about the number of bids that he had made. Has he had the opportunity to discuss with the Minister of Finance and Personnel the detail of those bids in order to enhance the opportunity that he may have for funding a mortgage relief scheme? Does he think that moves to charge rates on empty homes will improve the availability of property in the market?

The Minister for Social Development: I thank the Member for his question. By pure coincidence I had reason to walk down the corridor on the first floor this morning to try to speak to Mr Wilson about June monitoring returns, and, in relation to that, about the bid for £5 million in the June returns. Thus far, I have not had the opportunity to have a whisper in Mr Wilson's ear. When I do, that will be one of two issues in particular on which I will press him.

With regard to charging rates on empty homes, my colleague Mr McDevitt raised a number of issues on rating policy in the Budget Bill debate yesterday. Much of what was announced in London earlier today about what will happen to child benefits, cutting back on social security payments, and what will happen between now and 2013 on incapacity benefit appears to me to be old Tory policies being delivered by a coalition of grey suits. Therefore, when I speak to Executive colleagues in the next couple of weeks on how we respond to the Budget and the next comprehensive spending review and how we protect the vulnerable, the Member's question about rating policy generally, and about rating empty homes in particular, needs to be addressed.

3.30 pm

Executive Committee Business

Wildlife and Natural Environment Bill: Consideration Stage

Debate resumed on amendment No 6 and other grouped amendments.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle.

I turn to amendment No 38, which makes provision regarding the protection of the common skate. The conditions, which confine protection to coastal waters only, were already in place with respect to the angel shark, and members sought an explanation for that from the Department. On being advised that the angel shark and the common skate cannot be protected beyond six nautical miles — or coastal waters — due to EU common fisheries policy, the Committee accepted the amendment and agreed the schedule subject to that change. That is not to say that members necessarily agreed with the reasoning, but that is for another debate, another time and another Committee.

Amendment Nos 39 and 40 add the Chinese water deer and roe deer to the list of animal species that must not be released or allowed into the wild, and amendment No 41 specifies the three species of knotweed that are to be added to list of alien plant species. The Committee was advised that the Department would table those amendments and agreed the schedule accordingly.

In an increasingly globalised world and free markets, defending this island from alien species is becoming a difficult and expensive battle. Preventing them from getting into the wild in the first place is much the wiser option. However, I take this opportunity to note again the benefits of looking to best practice elsewhere, particularly with regard to non-native species. Go raibh maith agat, a LeasCheann Comhairle.

Mr Weir: This is particularly well timed. As a member of the Environment Committee, I say that it is rare in this House to come across a Bill with this level of detail. There is much that is important in it. No one in the Environment

Committee has a panoply of expertise in this subject, and it has been difficult to wade through a lot of the issues because of that.

It is also undoubtedly the case that there is controversy on a range of issues. There are passionately-held views on both sides of the matters before us, which have clearly been reflected in the points raised by various members of the public in connection with the Bill. Our aim is to strike a balance and provide a degree of protection for a range of species.

On a number of issues, there has been a divergence between what has eventually emerged as the Committee's position and that of the Minister. The Minister and the Department have made a clear-cut attempt to accommodate some of the Committee's concerns. Consequently, a number of changes have been universally welcomed and have been taken on board by the Department. In this group of amendments, the House can unite on amendment Nos 6 and 7, which refer to the inclusion of the lapwing and the redshank, not to mention the winchat and the references to Chinese water deer and roe deer and the other provisions, which have been welcomed.

Reference has been made to amendment Nos 35 and 36. I have spoken to Mr I McCrea about those, and he will be speaking about them in greater detail later. Although it has been identified as a particular problem, I think it was highlighted by the Chairperson of the Committee that it is more of a European problem. We should not look to inflict on local people some problems that are not particularly pertinent to Northern Ireland. Consequently, I agree with the Minister. This is a delicate issue. The Minister has changed his position on amendment Nos 35 and 36 and he does not support the Committee's recommendation, which is the sensible course of action.

We received conflicting advice, as happens with many issues, about the golden plover. I will be interested to hear further comments about that.

I commend the fact that the British Association for Shooting and Conservation (BASC) made a strenuous and serious effort to try to reach a voluntary agreement not to shoot curlew. Had that been universally accepted, there would have been less of an argument for removing it from the quarry list because the curlew is under threat. Unfortunately, one club refused to sign up to that, and a voluntary moratorium on the

curlew could be effective only if it was universal. I think, therefore, that the provision on the curlew is wise.

Some long-standing members of the Committee mentioned the Irish hare, and, as the Chairperson said, there is no direct recommendation from the Committee on that issue. However, beyond this Bill, there has been considerable debate on the Irish hare down the years. I have concerns about some of the figures that the Committee received. Each time that there has been a renewal of special protection status for the Irish hare, I have been a little unconvinced by some of the figures that were produced. Various surveys were somewhat contradictory in their responses, which may be an occupational hazard. I am minded that there has to be some level of protection for the Irish hare. I will wait to see what debate ensues.

Mr Elliott and Mr Beggs will move an amendment later on hare coursing, and I support that. I am concerned that there must be some level of protection for the Irish hare. I appreciate the fact that the Minister said that he would not make interventions but would listen to the debate and respond at the end. However, if Members were not ultimately persuaded of the merits of amendment No 37, they might be reassured if the Minister were to indicate that he intended to continue with special protection orders for the Irish hare. I look forward to the Minister's response and will listen to the rest of the debate closely.

The broad issue of protection relates to the Irish hare, the curlew, the golden plover and other species that are named in amendments. I come from a legal background, and an argument that is used if one is seeking an injunction is the "balance of convenience", which is about the consequences of doing something and getting it wrong and the consequences of doing nothing. From that point of view, many of us will want to be persuaded about the best course of action.

For instance, if we protect a species that is in no great need of protection and presume that there will be an opportunity to take it off the schedule at a later stage, is some damage done? That would have to be weighed against our getting it wrong by not protecting a species that should be protected. Would that put that species in a high level of danger? My natural instinct is to err on the side of caution and use the balance of convenience argument to

provide a general level of protection. I will wait for the Minister's response. These are complex issues, but we want to protect the best of our environment and rare species on a scientific and sensible basis. I await with interest the comments to come from other Members.

Mr Beggs: I declare an interest as a member of Carrickfergus Borough Council, because the Bill may impact on local government. In addition, I live in a rural home in 25 acres of farmland, so there may be issues that arise there. Again, I assist on my father and mum's farm, when needed, on an unremunerated basis.

This has been a most complex piece of legislation, certainly the most complex that I have followed. We have the Wildlife and Natural Environment Bill and the 51 amendments that we are debating, and I have traced the effect of many of those amendments through other legislation: the Environment (Northern Ireland) Order 2002, the Wildlife (Northern Ireland) Order 1985 and the Game Preservation Act (Northern Ireland) 1928. Tracing all the ramifications of the Bill and the proposed amendments has been a complex and arduous task. Nevertheless, it is important and worthwhile that we do so. It would be nicer to be able to change legislation in a less tortuous fashion.

Of the amendments that we are considering; amendment No 6 proposes giving additional protection to the white-tailed eagle, the osprey, the barn owl, the peregrine and the red kite, all of which are vulnerable birds that often reuse their nests. They are not found in large numbers and are endangered to a degree that makes it right and proper to protect their nesting sites to increase the likelihood of their breeding and sustaining themselves in the future.

Amendment No 7 would afford the same protected status to the common seal and the grey seal as clause 9 proposes to give to basking sharks. The common seal and the grey seal are not as common as they once were. They have suffered from poor health and we are aware of threats over the years that have resulted in many of their deaths. They are important wildlife species that we should value and protect.

Amendment Nos 25 and 45 would give the Department a greater ability to respond to urgent situations, a principle which I support when urgency can be demonstrated. Whether that urgency is due to inclement weather or something that changes suddenly, it is right

and proper that there should not be a tortuous waiting process and extensive consultations before action can be taken. As regards amendments Nos 27 to 31, I support the protection of the lapwing, the red shank and the whinchat under schedule 1.

Both considerable support and opposition have been expressed by many groups about the curlew and the golden plover. Paragraph 118 of my Committee's report sums it up in my mind: "curlew numbers are in decline", and the Department admitted that the recovery action plan is not working. Yet, the curlew is on the quarry list. Clearly, something needs to change. It is right and proper that the curlew be given the level of protection that would be granted in the amendment.

The golden plover's situation is less clear. Paragraph 117 of the same report indicates that its numbers are "low but stable". The only scientific population figure that I have been able to come up with is 20,000 in 2008, with indications that about 12 are shot each winter. Mr Weir talked earlier about the balance of consequences —

Mr Weir: No: the balance of convenience.

Mr Beggs: Sorry, the balance of convenience. Looking at the risk factor, if that were all that we were judging, it does not appear to be a huge risk factor.

The Committee must take all that information on board and come to a balanced decision. On balance, I am not in favour of giving protection to the golden plover. However, the situation will have to be reviewed in the future. Amendment Nos 32 and 34 are consequential to amendment No 29. I will support one but not the other.

3.45 pm

I am not sure whether amendment No 35 was moved. However, on principle, I do not see why we should support the keeping of wild animals, such as those named in amendment Nos 35 and 36, as pets, and I would wish for that to happen by means of appropriate legislation.

In 2002, it was recognised that the Irish hare was endangered. In each subsequent year, a special protection order was issued to enable numbers to recover to sustainable levels. Numbers did recover, although they did fluctuate, and since the legislation was brought in, the lowest figure was 1.95 hares per sq km. Special protection

orders have largely achieved their objective of doubling the number of Irish hares. The Department indicated that the annual cost of implementing each special protection order was between £35,000 and £40,000. We have to add up the cost each year and justify all costs that we incur, and it has become clear that it is difficult to continue to support that annual cost.

It was initially suggested that the Department would not provide permanent protection for the Irish hare. I was then led to believe that it would. Now the Department is proposing not to protect it. Based on evidence about numbers and objectives, on balance, I believe that the temporary special protection orders have achieved their objective, so there is no justification for permanent protection at present. Nevertheless, in future years, the situation will need to be reviewed. To balance that, however, amendments on hare coursing will be discussed later in the debate.

The reed bunting, twittle and yellowhammer —

Mr Wells: Twite.

Mr Beggs: Twite. We obviously have a twitcher present. I support amendment No 36, which relates to those birds.

Chinese water deer and roe deer are non-native species, so it is right and proper that they not be released into the wild. We support the relevant amendments, along with amendment No 41, which lists the various invasive species of knotweed.

Making judgements on legislation is a difficult balancing act. Based on the number of Members in the Chamber, the debate has been healthy for democracy. In far too many debates, very few Members are here. Lobbying for and against particular aspects of the Bill has been widespread, and it is good that we must make good, well-informed judgements. Individually, we express our judgement, and collectively, in order to protect biodiversity, I hope that we achieve the right balance in the Bill.

Dr Farry: I support all the amendments in the second group. However, I shall focus on amendment No 37, which stands in my name and those of my colleagues. It relates to the Irish hare or, to give it its proper Latin name, *lepus timidus hibernicus*. We seek to have it placed under schedule 5 to the Wildlife (Northern Ireland) Order 1985 to, in effect,

give it permanent protection rather than have a number of special protection orders in sequence.

The Irish hare is potentially the oldest mammal on the island of Ireland, with suggestions that it goes back around 60,000 years. It is very much part of our local heritage and culture in Ireland. The Irish hare is different from the main European hare, which is also rare on the island of Ireland, and, obviously, it is different from rabbits. It is distinguished by the black tips on its ears and its long back legs. For too long, it has been regarded, quite wrongly, as a quarry species. Full protection in law is necessary to prevent the animal from being killed, trapped, removed from its habitat, sold or purchased. The problems with the decline of the Irish hare are not so much to do with predators but with modern farming techniques, hunting and coursing. Indeed, as hares live above the ground, they are particularly vulnerable.

There has already been some debate in the Chamber about the number of hares and their concentration in Northern Ireland. It is worth putting that in a wider historical context, leaving aside the smaller micro-debate on what the trends have been over the past number of years. In some respects, that puts the issue in the right context and may give people some assurance about where we should look as a society. The indications are that the Irish hare was much more prevalent in the nineteenth century than it is today: we are talking about tens of thousands in the area covered by Northern Ireland. Its numbers were subject to decline during the latter part of the nineteenth century and most of the twentieth century, including in the last decades of the twentieth century. That decline has been very much linked to the onset of modern farming techniques. In some respects, the species action plans from around 2000 onwards have recognised that the conservation of the hare is an issue of which Northern Ireland needs to be aware. It was highlighted as a priority. The anecdotal evidence from rural areas also suggests that there has been a major drop in the number of sightings of Irish hares.

If we look at the long-term trends, it appears that the Irish hare is in decline. A lot of Members have focused their comments on numbers that are based on a very narrow range of data over the past few years of the first decade of this century. There is certainly controversy around, and different interpretations of, some of the

scientific evidence that has been produced, including the evidence from Queen's University. However, it is worth noting that the Irish Hare Initiative argues that the 2002 survey estimate is unsound for a number of reasons, including the fact that a survey was not carried out in 2003. Therefore, the 2002 survey does not stand part of a genuine time-series data set. Also, there was a change in methodology from 2004 onwards.

If we look at the issue from a local perspective, which may not be captured properly in the data, it appears that there are particular problems of depopulation. Compared to other mammals, Irish hares demonstrate a limited range and dispersal. That means that they tend to live close to where they were born and do not migrate to new territory. That has quite a drastic impact on local populations: if hares disappear from an area, they are unlikely to be recolonised. Therefore, we have a pattern of potential local extinction of the Irish hare, which has implications for the species overall.

There are difficulties with the methodology that has been used and adopted. Ultimately, we should err on the side of caution in that respect. Why should we take a risk with an indigenous and iconic Irish mammal that is a species unique to our island? Indeed, we should employ the precautionary principle. That states that when there are threats of serious or irreversible damage, the lack of full scientific certainty should not be used as a reason for postponing action. The distinction between precautionary and preventative action is that action is precautionary if the scientific certainty is lacking. That may relate to the point that Peter Weir made about the balance of consequences. I recognise that, if what has been argued so far is wrong with regard to the stability of Irish hare numbers, the consequence to the survival of the species here may be dire.

However, if we are wrong in arguing for special protection, what are the consequences? As far as I am aware, the Irish hare is not a predator, and it does not tend to destroy or interfere with agricultural crops. Its habitat tends to be of a different nature than that of farmland. Indeed, in respect of the preservation and protection of woodland, it is worth noting that when the Department of Agriculture and Rural Development introduced its Forestry Bill recently, it did not seek to cite the hare as a potential threat to woodland and an animal that

would be eligible to be culled as a consequence of any threat. It is also worth stressing that the precautionary principle is clear and central to the Northern Ireland biodiversity strategy. Amendment No 37 is consistent with the broader thrust of biodiversity policy that the Executive are trying to pursue.

The problem with the special protection orders — the temporary protection orders — is that they do not afford any degree of certainty. We have had that special protection for most years over the past decade, but there are uncertainties in the public eye as to what that means, and there is confusion as to what people are or are not entitled to do. That risks inconsistency with regard to enforcement and it risks creating loopholes that could lead to circumstances in which cruelty would be allowed to continue. There could also be a threat from coursing and poaching that would threaten the population of the Irish hare.

There is a lack of medium-term — never mind long-term — certainty. Everything is very short term and ad hoc from one year to another, and there is the risk that that special protection may not be renewed the following year. I was mystified by Roy Beggs's comments about cost. He said that £40,000 is needed each year to put special protection in place. Surely, the logic of that argument would be to go for permanent protection and avoid the charade whereby we have to go through the institutionalisation of the introduction of a special protection order every year and incur the associated costs. Let us give the Irish hare full protection. That will be far better in the long term.

It is also worth stressing that there is a groundswell of public opinion in favour of full protection for the Irish hare. That includes the League Against Cruel Sports, Northern Ireland Environment Link, the Hare Preservation Trust, the Irish Hare Initiative, the Animal Welfare Federation, the Northern Ireland Badger Group, the CAL conservation group and a large number of private individuals. Indeed, there is evidence from opinion polls conducted by Millward Brown Ulster and Ipsos more recently that public opinion is in favour of the strong and permanent protection of the Irish hare.

Mr Bell: My colleague is learned, and anyone listening to his contribution will know that. However, with regard to his earlier point about the predatory nature of the Irish hare, I can

bring him to areas in my constituency where people have planted acres of trees that have been destroyed by the Irish hare. Therefore, the Irish hare is a predator and can destroy agriculture. On his last point that public opinion is in favour of full protection, one may always like to follow public opinion, but public opinion is also in favour of hanging. Would the Member follow public opinion on that?

Dr Farry: I am tempted to say that I am not a great fan of Edmund Burke, generally speaking. However, he made a comment on the importance of elected representatives being representatives as opposed to delegates, and I tend to follow that advice. I am not a slavish follower of public opinion per se. We each come here with our own values as political parties, and we seek to represent the interests not only of our own constituents but the people of Northern Ireland to the best of our ability.

Nevertheless, the public's views are a material fact that we should not dismiss lightly. It is important that we take them into account, and I am sure that every political party represented here is mindful of people's views.

Mr Bell also made a point about the Irish hare potentially destroying crops, woodland and individual trees. However, as I stressed earlier, the Department of Agriculture and Rural Development did not seek to raise that as an issue when the Forestry Bill was proceeding through the Assembly only a matter of weeks ago.

4.00 pm

Mr Molloy: Will the Member give way?

Dr Farry: I will give way in a second. Therefore, some Members are saying today that the Irish hare poses a risk, yet the Department of Agriculture and Rural Development implicitly said something different in its Forestry Bill.

Mr Molloy: Is the Member aware that, under the Forestry Bill, the Department of Agriculture and Rural Development gave itself the power either to compel farmers to deal with animals, regardless of the animal, that damage new trees on neighbouring land or to allow the Forest Service to deal with them? Therefore, the Department obviously kept its options open on more animals than just the hare.

It might be important for the Member to take himself into the countryside to talk to the orchard owners of County Armagh. They know

about the damage that the hare does to young trees by stripping their bark. We are discussing not the execution of hares but their protection.

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

Dr Farry: I am glad that Mr Molloy brought us back to the fact that we are discussing the protection of the hare. Although I represent North Down, which can be viewed as an urbanised part of Northern Ireland, like other Members, I have roots in the countryside of Northern Ireland, and I am aware of rural issues. However, it would be a mistake for this issue to be portrayed as town versus country. It cuts across that divide, and there are those who live in the countryside who appreciate the importance of the preservation of that biodiversity. I also appeal to Mr Molloy, who is very aware of Irish heritage, to acknowledge the importance of the Irish hare in that heritage.

There is also potential for some of the measures in later amendments to touch on the interests of the Irish hare. Those include the habitat protection measures and those that deal with a potential ban on hare coursing, if, indeed, the amendment on that is moved. Those measures would be welcome in their own right, but it is worth pointing out that a ban on hare coursing would not give full protection to the Irish hare, because it would address only one of the avenues under which it is vulnerable. Coursing certainly threatens the hare, but wider issues, such as poaching and habitat destruction, also cause problems. Therefore, rather than working out all the different scenarios, the only way that we can give comprehensive protection to the Irish hare is by putting in place an Order that will give full protection, in all circumstances, to the Irish hare, which is a very important species.

Although I appreciate that the issue was discussed at great length in Committee and there was a very close vote on it, I was disappointed with the outcome of those deliberations. My colleague David Ford, who has gone on to bigger and better things, was a member of that Committee. He was extremely keen to progress the protection of the Irish hare. Indeed, he was successful in the past in putting in place similar protections, but, unfortunately those were not renewed.

There is a certain degree of confusion about the Minister's position. There is the impression that the Executive agreed on the common position that would be adopted and the Minister now appears to be running against his own advice

and against what the Department was doing more latterly after it had given caution to the Committee. He is also running against the Executive's potentially agreed position on the issue. Hopefully, the Minister can clarify the Government's formal position on the matter, because the signals are at best mixed and at worst contradictory. It is important that that be clarified, and I look forward to hearing the rest of the debate.

Mr Wells: I have to declare my interests, and it will be a long declaration, because, apart from my political life, my entire background has been in nature conservation. I am a past employee of the Royal Society for the Protection of Birds and, indeed, in 1987, I carried out a breeding wader survey for it. For a decade, I worked for the National Trust, including a year as the manager of the Giant's Causeway. For the past 19 years, I have been the chairman of the Northern Ireland Raptor Study Group. Raptor is the collective term for birds of prey, many of which are being discussed today. I remain in that position. I am about to finish the thirty-fourth year of a study of the population dynamics of the peregrine falcon.

I have gone into the anorak stage of life in my interest in wildlife and birds of prey, and I try to keep those facts quiet in case my colleagues think that I am slightly off-beam because I have interests outside politics. However, for the purposes of this debate, I have to be open and honest and declare all those interests. None of them is remunerated, except for the fact that, in previous years, the Northern Ireland Environment Agency have grant-aided the work of the Northern Ireland Raptor Study Group, and I have, on occasions, claimed travelling expenses only for the work that I have carried out in places such as Fermanagh, north Antrim and east Londonderry.

Because of that background, I have a particular interest in the legislation. I welcome much of it, but I have deep concerns on one or two issues. I certainly welcome the protection for the nest sites of rare species such as the white-tailed eagle, the osprey, the barn owl, the red kite and the peregrine. I am glad to say that there is real potential that the white-tailed eagle, the osprey and the red kite will start to nest in Northern Ireland. Indeed, as a result of the RSPB's reintroduction scheme in south Down, that is almost inevitable. Therefore, it is important that we protect the nests of those rare species. Unfortunately, the barn owl is a bird of prey that

is rapidly declining in population in Northern Ireland, and we are perhaps down to our last 50 pairs. As a child, I remember barn owls being common, but the species is rapidly on its way out as the result of agricultural intensification.

There is no evidence of any species in Northern Ireland being under threat as a result of legitimate field sports and shooting. That is not the issue. Controlled and responsible shooting does not lead to a diminution in the overall numbers of any game species. However, the problem is that the numbers of some species are now so small that shooting or disturbance could be their coup de grâce. The issue is that a small population could be eliminated, not that responsible members of BASC or the Countryside Alliance are involved in any activity that causes a reduction in numbers. It is important that the nest sites of those species be protected.

I raised that issue with the Minister, and another issue has just occurred to me in the past few hours. One of the great successes to come from the work that we are doing on the peregrine falcon in Northern Ireland is that the peregrine falcon is now nesting in quarries throughout Northern Ireland. I pay tribute to quarry owners and to the Quarry Products Association for their work in protecting the peregrine in quarries. Other species also nest in quarries, including the raven, the ringed plover, the common sandpiper and the kestrel. A large proportion of the sand martin colonies in Northern Ireland are in quarries or sandpits. A great deal of good work is being done, and I find quarry owners to be extremely sympathetic and helpful. However, it occurred to me that protecting a peregrine nest site in a cliff in a quarry would be impeding the normal day-to-day activities of a quarry manager who legitimately wished to remove the space to quarry stone from it. I think that the Minister will clarify in his winding-up speech that it is possible to move nests, replace them and provide alternative sites in other parts of the quarry. If that is possible under the legislation, that is fine, because, if a nest ledge for a peregrine falcon is lost, it is perfectly feasible to recreate one in another part of the quarry. That gets around that problem.

I listened with great interest to Mr McHugh, who is no longer in the Chamber. He made the point that nobody knows why many species of birds are disappearing, particularly in Fermanagh. A wetland in Fermanagh may be full of snipe, lapwing and redshank, with the wet pasture

and various reeds, plants and madder providing their food. However, if a bulldozer moves in and covers the wetland in concrete, the chances are that the snipe, lapwing and redshank will be lost. The vast majority of threats to wildlife in Northern Ireland are not from shooting or field sports but from habitat destruction. If habitats were maintained in Northern Ireland in their pristine state, the Province would have few problems with the diminution of its biodiversity. Therefore, I strongly welcome the fact that curlew, lapwing and redshank will be protected. In all those cases, their numbers are declining dramatically.

In 1987, I was a member of a team that carried out a breeding wader survey. All the repeat surveys in Northern Ireland since then show that all our ground-nesting waders are in real difficulties. Indeed, we are rapidly moving towards the situation that exists in the rest of the United Kingdom, where nature reserves are the only places to find breeding waders, the classic examples being the Somerset Levels and the Ouse Washes in England. Those are islands of biodiversity in a sea of green desert, because there is no habitat left for those species. Therefore, with the clear scientific evidence that our breeding waders are declining, it is essential that we provide them with special protection. I will not die in a ditch on this issue, but I would like the golden plover to have been included. However, there is a difference, and I have to accept it. The golden plover that winter in Northern Ireland are mostly Icelandic and Scandinavian birds. Indeed, I have had the privilege of being in Iceland to help to ring golden plover. We know with a great deal of certainty that they winter in western Europe, particularly in the British Isles.

There are about 20 pairs of nesting golden plover in Northern Ireland, mostly in Fermanagh and the Croagh uplands, with a few in the glens of Antrim and the uplands around Cushendun and Cushendall. However, it is a very small population, which is also migratory. Therefore, I suspect that shooting golden plover in Northern Ireland has no impact on the indigenous population of the golden plover in Northern Ireland. That being the case, I understand the Minister's argument for not including them. However, if only 12 golden plover are shot by BASC members in any given season, it is hardly a great diminution of their sporting activities if the species is no longer included. However, I could be swayed

either way, and it is not an issue over which to delay or endanger the legislation.

I have a couple of technical questions for the Minister about where the great skua features in all of this. There is a schedule of rare species nesting in Northern Ireland that are given special protection. The Minister may be able to reassure me that the schedules can be upgraded or amended by subordinate legislation without the need for primary legislation. If that is the case and the great skua is confirmed as nesting in Northern Ireland — I believe that it is because a pair has been hanging around the West Light on Rathlin Island for the past three breeding seasons — the chances are that we will have that additional species some day.

The little egret is included in the list. The little egret will, undoubtedly, nest in Northern Ireland, if it is not already doing so, within the next few years. If it is as simple as that, we do not need to worry about it.

Last year, the marsh harrier nested in east Down, the first time that it has nested in Northern Ireland in over a century. A pair of marsh harriers also nested in Fermanagh. I want to tease out why the marsh harrier has not been included on the list of birds with special protection, but it is not a particularly difficult issue.

I want to raise the vexed question of Reeves's muntjac. I am not sure that all Members know what the Reeves's muntjac is. It is a breed of deer that is about the size of a small Alsatian dog and was introduced in England about a century ago. The impact of that alien species on the ecology of southern England has been absolutely devastating. Many Members will have read reports in the 'The Daily Telegraph' and 'The Times' about the British Trust for Ornithology report, which indicated that there has been a 91% decline in the population of the nightingale in England and south Wales. That was not caused by field sports or disturbance but by the destruction of vegetation by the Reeves's muntjac and, to a lesser extent, the Chinese water deer and roe deer. That shows the danger of introducing an alien species into Northern Ireland that has never been here and has no natural predators. I have already raised the issue with the Minister that, worryingly, a dead Reeves's muntjac was found in east Down on the Ards Peninsula. Perhaps it was a road casualty.

4.15 pm

Mr Kennedy: Was it killed by a an MP?

Mr Wells: No; it was not killed by an MP

The significance of that is that someone has been utterly irresponsible and has attempted to introduce that species into Northern Ireland. I do not know who did that but, whoever it was, the consequences could be absolutely devastating for wildlife in Northern Ireland. When that species starts to breed, it is prolific. It will start to eat away vegetation that is essential to all sorts of other species, including small mammals and, of course, game birds, warblers and so on. Therefore, there is a problem. I hope that the Department will make a special effort to make absolutely certain that that is nipped in the bud and that the species is removed.

All other such introductions have been disastrous. The introduction of the grey squirrel has almost led to the eradication of the native red squirrel in Northern Ireland. When the grey squirrel moves into an area, inevitably the red squirrel moves out. The introduction of mink has been a complete disaster for game birds. It is an alien species that was introduced from America and has spread throughout all of Ireland. It has been damaging to fisheries and bird life populations. Therefore, surely, we must learn the lesson not to interfere with nature by bringing in species that are totally alien to Northern Ireland.

I turn to the issue of the Irish hare. Of course, we will discuss that further when we debate Mr Beggs's amendment. I have enormous problems with park hare coursing in Northern Ireland. Perhaps I am one of few people in the Chamber to have had the dubious pleasure of attending a park hare coursing event. It was Christmas 1982; I remember it very well. I was there with the First Minister, the Member for East Belfast.

No one can tell me that park hare coursing is a sport. No one can tell me that it is a genuine field sport. Groups that represent respectable, sensible field sport interests should distance themselves considerably from park hare coursing. Ordinary field sports involve going out into open countryside and pitting one's wits against pheasant, grouse or whatever. Park hare coursing is the catching of a wild animal — the Irish hare — with nets; keeping it in confined conditions for several weeks; releasing it into an enclosed area; and taking bets on its fate as two greyhounds chase it around the course.

I have witnessed that, and I have witnessed the death of Irish hares in park hare coursing. To my dying day, I will remember the squeals of those hares as they were ripped to pieces at Crebilly near Ballymena. That is not a field sport; it is the torture of a wild animal. If a cat were running that course, there would be uproar. Because it is a hare, however, it is seen as acceptable.

The difficulty with the way in which amendments have been tabled for this afternoon's debate — it could be this evening before we get to the vote — is that Mr Beggs's amendment belongs to the next group. Therefore, we will not know whether his amendment will be successful before we vote on the current group. Obviously, I hope that it will be successful, and I congratulate him on tabling it. For some people in the Chamber the primary reason for wanting the Irish hare to be protected is to stop hare coursing, but, if the amendment is successful, that protection would no longer be required. To be honest, as someone who appreciates the Irish hare and has a general interest in wildlife, I would prefer full protection; I believe that that is best. However, if I could look into a crystal ball and see that Mr Beggs's amendment was successful, I would feel much more reassured. Therefore, I will listen with interest to the various debates.

Dr Farry: I am grateful to the Member for giving way. I ask him to clarify that, in his opinion, the amendments that relate to full protection of the Irish hare and to the ban on hare coursing are not a case of either/or but, basically, reinforce that there are circumstances in which the Irish hare is under threat and would benefit from protection that would not be covered totally by a ban on hare coursing, welcome as that would be.

Mr Wells: I accept that, but Members break down into three categories. First, there are those who hunt Irish hares, and I have no problem with that, although many of us feel that it is a very beautiful animal that should be respected and protected. Secondly, there are those who would not kill an Irish hare in any circumstances, and I am one such person. Thirdly, there are those who are using the protection of the Irish hare as a means to an end in order to achieve an end to what I call a barbaric sport. There are no other words for it. I have seen it, and it is barbaric, particularly when participants place bets on the fate of the creature as it is chased by two hounds. That is unacceptable in modern society

and totally divorced from the respectable day-to-day field sports, which many in the Chamber have a great deal of sympathy for. Association with this particular activity brings field sports into disrepute.

Mr Deputy Speaker: Order. We are going to discuss hare coursing at a later stage, so I ask you to stick to the amendments that are being debated now.

Mr Wells: I accept your ruling, Mr Deputy Speaker, but you can understand the point that I am making. There is an overlap because due to the way in which the amendments have been stacked up, we do not know what will happen downstream. Therefore we have to allude to hare coursing, to some extent, when we are dealing with the protection of the Irish hare.

I will make it clear: my preference is that the species should be protected, full stop. It should be given the same protection as the badger, the otter or any other species. That leaves a large number of legitimate prey species for the hunting fraternity to pursue without any difficulties. I do not see any reason for not giving the Irish hare full protection. I listen with great interest to the comments made by Members and the Minister on this important issue.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. The Bill is a lengthy piece of legislation, over which the Environment Committee pored for many months. As Members have said, there are a number of controversial issues that many people and parties in our community are passionate about.

Amendment No 6 adds five species to the schedule of birds which will have their nests protected. That list includes the under-threat red kite, which Mr Wells referred to. The Environment Committee recently went to County Down to view red kites being released into the wild. That was a fantastic spectacle of nature, and it is unfortunate and alarming that a number of those birds, which were released into the wild over recent years, have been killed. It is vitally important that those species are protected. Sinn Féin will support amendment No 6. We will also support amendment No 7, which will protect seals and grey seals from disturbance, along with the basking shark, as outlined in the original Bill. Those species are all found in my constituency, North Antrim, particularly around Rathlin Island.

I was over on Rathlin last month. One will find seals on parts of the island which are popular with tourists. They stop near the shore, and they are in close proximity to tourists and many of the locals on the island. That happens daily all year round on Rathlin. Given that close proximity and the possibility and probability of some interaction from time to time, it is clear that that legislative change needs to be put in place.

Aside from that, there are basking sharks around Rathlin Island. A couple of years ago, some Committee members went on a trip around the island with representatives of the RSPB, and we came across a basking shark. It too was a fantastic spectacle of nature and something which needs to be protected. I urge all Members to go to Rathlin Island and view its wonderful sites and biodiversity.

In keeping with the Committee, we will welcome and support the amendments to add to schedule 1 the whinchat, the golden plover, which is also found in North Antrim, the lapwing and the redshank. The number of curlews is also down, and it is clear that voluntary action and the action plan have not worked. It is to be welcomed that they too will be added to schedule 1.

My party will support amendment No 25 and amendment Nos 27 to 34. We will oppose the Committee's amendment, No 36. We have been in contact with bird fanciers and a people who are involved in breeding birds. Although they did not respond to the Bill initially, they were surprised by the proposal that the reed bunting, the twite and the yellowhammer be omitted from schedule 4 to the 1985 Order, which lists birds that may be shown for competitive purposes. In person or by telephone, I have spoken to people from Derry, Ballymoney and other parts of north Antrim who take their hobby very seriously and pose no threat whatsoever to the birds that they keep. They give up hours of their spare time every day to look after their birds. As has already been mentioned, they are subject to quite stringent and random inspections by the Department, and the welfare of their birds is well catered for. I welcome the fact that the Minister has decided not to move amendment No 35, which, if made, would have removed 16 species from the list of birds that bird fanciers can show.

Aside from that, there is an issue of symmetry with bird shows not only in the South but across the water. We have received complaints that

birds that can be shown in Britain and the rest of Ireland cannot be shown here. That situation needs to be brought into line, and the legislation will do that. I especially welcome the addition of the crossbill, hawfinch and blackbird to schedule 4 to the Wildlife Order. Their omission is a discrepancy that needs to be addressed, and the legislation does that.

The Bill is important, and the Committee has discussed it time and again. We need to ensure that the Bill in its entirety minimises the unnecessary suffering of animals and unnecessary cruel practices inflicted on our indigenous species. I will address that issue when I speak about snares in the next group of amendments.

Mr Shannon: I want to make some comments about the second group of amendments, which deals with the protection of species. I will go through each amendment one at a time. There will be some that I am in favour of and others that I am not. That is fair enough, because we are here as an Assembly to galvanise opinion, whether it be one that we want to hear or one that we do not. Nevertheless, it is good to have that opportunity.

Amendment No 6 adds other kinds of birds to the protected list in the Wildlife Order. I can fully understand the rationale behind the protection of those birds, but it must be pointed out that, although a man can be stopped from disrupting an endangered species, nature cannot be stopped. I was reading the 'Shooting Times' magazine at the weekend; it carried a headline that contained the words, "raids harrier nest". Some people might blame the shooting fraternity or gamekeepers, who are much maligned, for such incidents. However, in this instance, an eagle owl was recorded on video in Scotland raiding a hen harrier's nest and disrupting it, resulting in the failure of that nest. That is an example of nature doing things that the Minister would be unable to stop. I make that point because nature itself sometimes does things with which people may be unhappy. Shooters are constantly getting the blame for such incidents. That is wrong, and I wanted to put that on record. I am in favour of protecting the habitats of the animals that are listed in amendment No 6.

Amendment No 7 deals with the protection of the common seal and the grey seal. Mr McKay mentioned those. The inclusion of those animals

on the protected list would be a good thing, and I fully support that. I read last week that hundreds of basking sharks — I need to be careful when I say that word — were seen off the coast of Portrush. That must have been an amazing sight, and the protection of common and grey seals will enhance sea life around the coast of the Province.

I agree with the comments that were made about grey squirrels. When Sammy Wilson was the Minister of the Environment, I tabled a couple of questions to see what he was going to do to eradicate the grey squirrels at Parliament Buildings and on the Stormont estate.

There are a number of grey squirrels about, and I know people who are very keen to keep the numbers under control, but, at that time, the Minister was unwilling to give his permission for that to be done. The reason why we do it, going back to what Jim Wells said earlier, is that the red squirrel is the native species and the grey squirrel is causing a lot of hassle and disturbing the number of red squirrels.

4.30 pm

The proposed new clause in amendment No 25 seeks to give special protection to game if it seems that there has been overkill during the season. As a country sports conservationist, I agree with that amendment as long as there is correct consultation with representatives of the shooting organisations, so that those organisations are not left in a similar situation to that which Europe has inflicted on our fishermen. As one who represents the fishing industry in Portavogie in the Strangford constituency, I am very aware that although our fishermen can see fish on the screens in their boats that scientists are sometimes unable to see, those scientists are restricting our fishermen from fishing them. We want to do things honestly and fairly. That is my only fear pertaining to amendment No 25. I am not against the amendment, but perhaps the Minister could confirm that the relationship and contact with shooting organisations will continue.

Amendment No 27 is to do with the curlew. I have heard much talk about the curlew from various Members around the Chamber. For the record, I have not shot a curlew in over 20 years. However, I want to make an important point. I have been contacted by country sports organisations, such as the Countryside Alliance and BASC, as well as individual sportsmen,

concerning the addition of curlew to the schedule. In Northern Ireland, the conservation issue for curlew is the breeding population.

It is widely accepted that the curlew population has declined because of habitat loss through the intensification of farming and loss of peat land, and predation by foxes and crows during the nesting season, when we really need control. It is believed that the breeding population migrates out of Northern Ireland during the winter. Limited shooting during the winter should not have had any significant impact on the breeding population. The facts are very clear. The winter population in the UK is stable, with signs of recent increase. Some Members have mentioned that the numbers are down, but that is not entirely true; the numbers are rising. If there is going to be a ban on something, I have to ask myself why that is the case. Does shooting have that much impact? I say no, it does not.

The shooting bag of curlew from the major sites of Lough Erne, Lough Foyle and Strangford Lough, in the area that I represent, used to be about 50 to 150 a winter until 2006, after which it dropped to under 20. Now, with the BASC-led voluntary moratorium, it is under 10. Therefore, the shooting organisations are clearly making a very valiant and significant attempt to protect that population, and it is something that they have done themselves. If all those organisations are working so hard to do something that some people want to see happening, why not leave it to them to do the job that they are doing, because they are doing it right? That is my point, and that is why I am unhappy with the decision to add curlew to the list. I do not believe that it is necessary.

The shooting community has already demonstrated its concerns for curlew through its widely effective moratorium on shooting, and that success has been clearly illustrated right across the Province. Removing the incentive to restore the breeding population by removing curlew shooting will be counterproductive. I suggest to those who are intent on adding curlew to the protected list that they look at the reasons for that, because, when we look at the statistics and the information, the reasons do not stack up. RSPB and NIEA supported the moratorium approach over statutory protection for those reasons.

The only realistic hope for breeding curlew is for the Northern Ireland statutory and non-statutory

agencies to work with groups and individuals with a vested interest in the species, as such co-operative initiatives have the greatest chances of success. To develop a practical restoration and conservation programme, population monitoring needs to be increased; knowledge of the migratory movements of breeding birds and practical habitats improved; and more effective nest predator control put in place. Control the foxes and the crows and the curlew numbers will increase. Endorsing the shooting moratorium and reviewing its effectiveness after five years will strongly encourage the shooting community to play its full part in the restoration programme. I cannot support amendment No 27, but I can offer some support for amendment No 33.

Amendment No 28 proposes the inclusion of lapwing in schedule 1. I have no issue with that amendment and will support it accordingly. Amendment No 29 proposes the inclusion of the golden plover. Other Members have spoken well on this issue. The golden plover wintering population in Northern Ireland is at least stable, if not slightly increasing, with over 21,000 birds counted in the 2008 peak month — more birds that are likely to winter in Northern Ireland have also been counted. Over 10 years, the BASC Northern Ireland membership's average bag of golden plover was only 12 birds per winter.

One Member has asked why we should fight so strongly to have the golden plover retained as a quarry species, although I accept his conclusion. It is because there is the opportunity to shoot them if people so wish and they happen to be there. I think that I have shot only two or three in my lifetime — my three in some 30-odd years works out at one every ten years, so that is one for the Members. Such a low number cannot negatively impact on the population. Removal from the quarry list is not required for the conservation of that species. The facts are clearly not there; they do not stack up. The numbers of golden plover are there and are increasing, and the bag taken by those involved in wildfowling and others is so nominal that taking the bird off the list of quarried species would not be effective.

The small numbers that are shot is not an argument that protection will not affect many shooters. The freedom to take small numbers should be retained unless there is a good reason to remove it. The 'Shooting Times' includes articles on shooting areas in different

parts of the United Kingdom, and a few months ago, it featured an article on Strangford lough. People from the mainland and the Republic of Ireland were coming to Strangford lough to take advantage of the large numbers of golden plover there. I believe that there is an economic reason why we should retain the current situation. I am speaking specifically about my territory and constituency of Strangford, where it is necessary to take advantage of all economic and tourism opportunities that may arise.

The current take of golden plover is undoubtedly sustainable. A precedent is being set for future ill-founded recommendations, which, I believe, damage the credibility of the Committee. I know that the Chairperson has proposed that the numbers should be capped and protected, but I feel that that is wrong. The Committee should provide evidence-based advice, which it has not done so far, as the figures do not stack up. The best interests of the environment and wildlife in Northern Ireland, and of those who enjoy them through sustainable use, are not being served. I will, therefore, oppose amendment Nos 32 and 34.

Amendment Nos 30 and 31 propose the inclusion of the redshank and the whinchat. Again, I have no issue with the inclusion of the redshank and whinchat in the schedule. I am quite happy to see those recommendations coming forward, and I will support the Minister in that regard.

I will move away from discussing those who partake in shooting and country sports to discuss aviculture. I will oppose amendment No 36, and I want to outline why, because I feel that the reasons are worthy of note. I have been contacted by aviculture enthusiasts who have some issue with amendment Nos 35 and 36; although I understand that amendment No 36 is the one that will be discussed today. I am reliably informed that the declining numbers of many of our wild birds have no connection with the hobby of aviculture. There are a great many people involved in that in all constituencies, and certainly in the area that I represent. For example, the Comber bird show attracts many people not just from my constituency but from all about. I ask myself why we want to pursue those guys when they are doing a great job and making a significant contribution.

Changing farming practices have had the biggest effect on the issue as farming traditions have modernised and changed. It is not financially viable for farmers to change that modernisation,

and we would not ask them to do so, yet the aviculture groups are being penalised. Why are they being penalised? I feel that it is wrong.

Many of the seedling weeds on which seed eaters feed have been greatly controlled, and the odd corners of land where such weeds have survived have been largely built on. Thousands of songbirds are killed by sparrowhawks, which are protected, and numerous fledglings are taken by hooded crows, which are not protected. Thousands more are taken by domestic and feral cats. It seems ludicrous to me, aviculturists and a great many people outside that that reduction is due to aviculturists alone. I believe that it is unfair to make them pay for that, given all the other reasons why it is really happening.

The Department should take greater responsibility for the reduction in the number of greenfinch, linnet, bullfinch, twite and goldfinch. Those birds' daily diets mostly comprise seeding dandelions that are cut on verges while in seed and are often sprayed with weedkiller by council and DOE workers, who should perhaps also take some of the responsibility. However, there is no mention of that in the schedule. The rest of the UK will not have reductions on twite, yellowhammer and reed bunting. Therefore, why are we doing it here when the rest of the UK is not? That is why the amendment is wrong.

DOE wildlife branch, in giving evidence to the Committee, explained that aviculture was monitored in Northern Ireland, and the officials were satisfied with their findings. My opinion is that proper weight was not given to DOE wildlife branch, to the detriment of the aviculture sector.

I also oppose amendment No 37, which proposes to insert the Irish hare in the schedule. I have been contacted by numerous representatives about that issue. Let me be clear: that amendment would ban all forms of hare hunting. I have been contacted by various clubs, as well as the Irish Foot Harriers Association, which also strongly opposes the amendment. Those clubs believe that the amendment would cause job losses, damage the economic and social fabric of rural communities and reduce the ability of members to contribute to the range of Irish hare culture initiatives that are clearly contrary to the stated aims of the Bill.

There are a number of people in the Public Gallery who have worked industriously on those issues, and I thank them for their hard work. They include Lyle Plant from the Countryside

Alliance, Tommy Mayne from BASC, and John Agnew. A number of other people have spoken on the issue, and it is very clear that opinion is gathering momentum in opposition to the amendment.

Professor Ian Montgomery of Queen's University, Belfast (QUB), who is regarded as the leading expert in Irish hare ecology, is repeatedly on record as saying that people who are involved in hare hunting make a significant contribution to the research carried out by QUB and to the management of Irish hare populations. He is also on record as saying that any restrictions on sustainable activities would have a negative effect on Irish hare populations. Removing the opportunity to hunt hares would remove an important management incentive, because those who hunt hares have a vested interest in their well-being. It is not unrealistic for people who are interested in the quarry that they seek to want to ensure that the hares' habitat is correct and that things are well. That has been demonstrated by the willingness of hare hunters to participate in research initiatives, and, clearly, they have done that over a long period.

According to a 2009 survey by Queen's University, Belfast, the Irish hare population is stable and relatively abundant. People in rural communities have confirmed that that is the case. In fact, there are Irish hares on my land, which, for the record, I have never touched. We try to preserve and retain their habitat. The 2009 survey puts the Irish hare population density at 1.95 per sq km. The 2010 species action plan set a target of two Irish hares per sq km. Therefore, we are almost there. In fact, we could hardly be closer to the target. In 2002, Irish hare population densities were recorded as one per sq km. Therefore, the hare population has doubled between 2002 and 2009.

In a published summary of responses to consultation on the Bill, the Northern Ireland Environment Agency said that only six of the 37 respondents were in favour of the amendment. Therefore, the protection of the Irish hare is against the expressed wishes of the great majority of respondents. I will leave Members with those points. I support amendment Nos 38, 39, 40, 41, 42, 45 and 48. I have concerns about a number of issues and, on behalf of the people whom I have had the great pleasure to help and support over the years as an elected representative, I will be opposing those amendments.

4.45 pm

Mr Kinahan: I hesitate to speak, following the expertise of Mr Wells and Mr Shannon. I hope that their numbers are stable and that they are unlikely to breed too much. Perhaps they should be protected.

This group of amendments concerns the protection of species. When looking at such lists, I am always intrigued that it is we humans who choose what we protect, given that there are thousands of birds, insects and other animals. I return to my earlier point that we need to keep such lists under review. We are learning all the time. Therefore, we must protect the species that need to be protected.

The Committee took a great deal of evidence. I thank all those who came to the Committee, all those who listened and all those with whom we argued. It was extremely useful. Our job is to listen to everybody and then to take the difficult decisions.

It is the rural community that looks after the countryside. It is the farmers, whose names are blackened all the time, who do the hard work of looking after the hedging, woods and land, and who balance what is happening in front of them with their meagre incomes. It is the estate owners, many of whom look after their lands and an ASSI. It is the gamekeepers, the fishermen and all the countryside groups. We should not forget that they, along with groups such as the RSPB, are the eyes on the ground. It is they who give us the detail and who keep us in line. We should not detract from all their hard work.

I am not going to speak on every amendment because many good points have already been made. However, I welcome the 14-day period of protection. I do that as a means of congratulating the shooting communities that this year, during the cold spell, went out and fed the birds. The shooting communities are looking after the ground and protecting species.

Listening to the debate has been very educational. Initially, I wanted the curlew to be protected; I still do. I remember hearing curlews when I was small, but I have not heard them since. I could not tell you what a curlew looks like, because I never saw one, but I heard them. We no longer see curlews, and that is grounds enough to protect them. I struggled with the protection of the golden plover. As there are not many around, I thought that we should not necessarily protect

them. However, my opinion was then thrown after talking to somebody, which illustrates that we have to keep learning. Apparently, there is a hybrid golden plover in Northern Ireland, and, at Junction One in Antrim, there are large numbers of that bird, although I am not suggesting that anyone go shooting there. We are constantly learning about birds and animals as they change. We should keep that in mind, particularly you, Jim.

I am pleased to hear that the Minister is listening to everyone, and I agree with amendment Nos 27, 28, 29, 30 and 31, which he has proposed. I also agree with the Minister on the showing of birds, with which I had struggled because I did not like the idea of birds being kept in cages. We were lobbied by people who collect, look after and show certain birds, and I was in two minds about that. However, the Minister has cleared up the issue for me today. As no birds are being caught illegally in Northern Ireland, we should leave the situation as it is.

At the moment, the Irish hare has a great deal of protection, and I agree that it is the loss of habitat that is doing most of the damage, not hunting or coursing. I remember, again as a child, always seeing loads of hares at Aldergrove airport. Now, however, one would hardly see any. When the planes took off, people used to see hares all around the airport. That is just one example of what we have done to get rid of a species in a certain area.

We had a target to double the number of Irish hares, but we are told that the numbers are stable and we have achieved that target. However, I go back to the main point that I have been making throughout the process, which is that we must keep reviewing our information, keep it up to date and be able to make changes if needed.

I am also told that, due to interbreeding, there are hybrids of the Irish hare, they move around a bit and most people would not know the difference between an Irish hare and a brown hare. Therefore, we have to keep monitoring the situation and keep trying to make sure that our knowledge is up to date.

I was intrigued by the evidence of one of the witnesses at our Committee. That person told us about the amount of damage that the Irish hare does to trees and young saplings. During the cold weather, when there were high volumes of snow, hares hopped over high fences, which

were no longer high because of the snow, and went around biting the bottoms off the trees. Again, we have to make sure that we get our facts right and realise that Irish hare can be a pest.

What worries me is that an attack on hunting and other ways of countryside living is hidden in the Bill's protection of the hare. In England, hunting was very much a class war. We have always been very lucky here, because loads of different people hunt, particular those from the farming community. The protection of the hare was not in the Bill originally; it was added and discussed at the Committee. The argument for its inclusion was lost initially, but it crept back in as an amendment. As I said, the hare is already protected, in that there is a lengthy close season, and, strangely, if I may demonstrate that I am ignorant of certain points, I should say that it is protected at night and on Sundays.

We are told that there was a groundswell of public opinion in favour of including a protection. That may be the case with small groups. However, we must remember to question those small groups, because the information that forges public opinion is not always accurate.

On the hunting side, there are 31 packs, three beagle packs and some 500 members with horses and hounds. If the Irish hare were overprotected, a whole way of life that has existed for years would be got rid of.

There is no alternative to the actual chasing of the fox or the hare that works particularly well. I will give an example to amuse Members. While in Germany, where fox hunting has been banned, I was sitting quietly having breakfast when someone said, "We have lost our runner today for the bloodhounds. Danny, would you run?" Therefore, I declare an interest, as I have been both the hunter and the hunted. *[Laughter.]* However, my frame was such and my speed was so poor that the bloodhounds caught me in the second field. They were really bored as they lolloped alongside me as though they were asking, "Where do we go next?" However, I digress.

We have had hunting for 2,000 years. If I put my art hat on, I can tell Members that it has been depicted in paintings. It is part of our lifestyle, it is ongoing, and I would hate to see it disappear.

The hare is not at risk. At the moment, there is not a scientific justification for going for stronger

protection for it, so I do not support amendment No 37.

I will quickly run through the amendments from amendment No 38 to amendment No 45. Where the duty to consult councils is concerned, it is sad that our council system is sometimes very slow to respond. If we could change things in our councils, their response could be much quicker. We should not count them out, given that some councils will know that much better than ourselves.

Mr I McCrea: I thank the Minister for what he has brought before us so far today on the second group of amendments. I also thank him for informing us of those amendments that he will be agreeing with and those that he will not. As other Members have said, this is a difficult piece of legislation. There is a lot of information in the Bill, and a lot of time was spent dealing with its many aspects.

I thank the Committee staff for all their efforts in trying to keep everything right, ensuring that everything was printed and that everybody's words were got. Indeed, the Hansard staff had more of a difficulty than anybody in keeping some of the comments right. Certainly, it is good to be at this stage, where we are now nearing the end of what has been a lengthy process.

I do not intend to speak to many of the amendments in the second group. I intend to speak only to amendment No 36, which was asking the House to support the removal of the reed bunting, twite and yellowhammer from the list of birds that may be shown for competition purposes. Recently, I held a meeting with a group representing aviculturalists, and I led a delegation to meet the Minister to raise their concerns about the removal of those three birds. I have no doubt that they will welcome the Minister's position on that today.

The Minister saying that he is not moving amendment No 35 will be even more welcome, as that will allow aviculturalists to show more birds and to take part in a wider range of judging activities. It was evident at the meeting with aviculturalists that they felt that it would be a retrograde step for those birds to be taken off the current list, which would, without doubt, have left them at a disadvantage compared with aviculturalists across the United Kingdom and the Republic of Ireland.

In my discussions with those aviculturalists, a question came up that came up back in 1984, when the draft Wildlife Order was being discussed. Peter Robinson, who I believe chaired the Committee at that time, asked whether there was any natural reason, because of environmental or climatic conditions, why Northern Ireland should require a different standard from that which pertains in Great Britain. I do not believe that there was an answer then, and I do not believe that any justifiable answers can be given now as to why that should not be the case. I welcome the fact that Danny Kinahan and other Members stated that they agree with the position that was put forward by the Minister, and I look forward to equal treatment for aviculturalists here compared with those in the rest of the United Kingdom.

Mr Bell: I welcome the Minister's bringing forward of the Bill. It contains many important issues that have already been addressed, including biodiversity. In Strangford, we have led the way in biodiversity in the Castle Espie development, which I think was the first significant investment in biodiversity.

There are many extremely good points in the Bill. There are some with which, on conscience, I beg to disagree, similar to my colleague Mr Shannon. In preparation for the debate, I listened to a range of sources, including the Countryside Alliance, the British Association for Shooting and Conservation, and different groups with specific interests in natural species that wrote to and e-mailed me. I considered all the material, and I am even more convinced that farmers and those involved in the Association for Country Sports are some of the best guardians of the countryside that this Province and the United Kingdom can boast. Their commitment is to animal welfare; their commitment is to the development of the natural environment; and their commitment, in many cases their voluntary commitment, has been significant in the promotion of the species that have been referred to in some of the amendments.

I take the Ronald Reagan, small-government approach, which is that legislation should exist only where it is strictly necessary. Legislation should be shown to be strictly necessary and an evidence base produced to demonstrate it. I support the case for the basking shark, and the Minister outlined the need for and the significance of that measure. There is no alternative natural habitat for them and there is

a need for them to be protected. That case has been clearly made.

I understand the concerns about curlew numbers. I equally understand that all the country sports and shooting fraternities, bar one, took upon themselves a voluntary moratorium and disciplined themselves very effectively. I understand that their voluntary moratorium nearly led to the number of curlew being in single figures. It ended up as 10 in the course of a year, but it was nearly one.

Mr Wells: I thank the Member for giving way.

The point has been made many times about voluntary bans on activities of organisations such as the British Association of Shooting and Conservation. That is well and good and I welcome it. However, unfortunately that group does not represent every shooter in Northern Ireland. Legislation would not be required if everyone acted responsibly. We have to make legislation for the shooter affectionately known as the marsh cowboy — the guy who shoots occasionally and is not affiliated to any gun club or any responsible field sports organisation and who goes out and does his own thing. I certainly have come across such people in my time and they can be completely irresponsible. If we could achieve a situation in which everyone was a member of a recognised body, life would be much easier for all concerned. The legislation has to cover not only the responsible shooter but the individual who shoots occasionally and will simply disobey any rule or any voluntary ban.

5.00 pm

Mr Bell: The honourable Member makes a point. I was one of those students present at Queen's when he came to lecture as a senior figure. Although I may differ from him, — *[Interruption]*.

I was referring to his seniority. Although I may disagree with him in the argument, we all respect the commitment that Jim Wells has to animal welfare and the consistent approach that he has taken over decades. We may disagree in parts, but that does not mean that we cannot respect each other.

There are a number of points to be made about Mr Wells's point about the curlew, which he made well. First, we should not penalise the vast majority because of the cowboy. The cowboy, I suspect, will not be significantly deterred by this legislation. Significant numbers of curlews

have been curtailed by the conservation fraternity, which has kept them to fewer than 10 in a year.

Secondly, the evidence is not that we need this legislation to protect curlews against the cowboy operator, but it is surely that the diminution of the curlew population is a result of changes in the landscape. Therefore, penalising the shooting fraternity, which is already operating in a voluntary capacity with a moratorium, risks antagonising it and will not be effective. In this case, our evidence base refers to around 10 in 12 months, so what we have in place has already been effective. Therefore, my argument for small government is that we do not need to replicate it.

Mr Ian McCrea has held a series of meetings with aviculturalists, about which he briefed us. He made his point about amendment No 36, which refers to the reed bunting, the twite and the yellowhammer. That case was also well made. Again, the evidence base is that the provision exists in the rest of the United Kingdom and the Republic of Ireland, and there is no coherent argument on the basis of environment or climate to bring in legislation. Therefore, it should not be brought in. I welcome the Minister's move on the situation of the golden plover, for which a similar case was laid. The current legislation is effective. The introduction of new legislation would counter the maxim that you should not try to fix something that is not broken.

There should be no unnecessary interference with the countryside way of life. Anyone who feels that the farming fraternity is anything less than interested in the best welfare of animals does not know the Strangford farmers whom I know. They care for their livestock and their natural environment, which they enhance. Farmers in Strangford have told me that their wish is to pass on their farms in a better state than when they found them. That stands as testament to their commitment as true guardians of the countryside. They do not need legislation to change their way of life.

Mr Shannon: The Member rightly says that farmers deserve recognition for what they do. They are the true custodians and guardians of the countryside, and they carry out those roles exceptionally well. Their efforts and contributions should be recognised.

Mr Bell: I agree that farmers should be encouraged in what they do. Legislation should be brought in only where it is shown to be necessary.

We are all interested in the future welfare of the Irish hare. The Minister set out the existing evidence base that clearly shows full protection to be unnecessary. Research from our universities and elsewhere indicates the future welfare of the Irish hare, and that will be subject to review. We must bear in mind what the Minister said earlier about the survey evidence. In light of that, a move towards full protection would be draconian and unnecessary.

Mr Wells spoke passionately about hare coursing, and Members will debate that later. I am cognisant of the Deputy Speaker's direction. Equally, it should be acknowledged that many people in the sporting fraternity go out of their way to muzzle their greyhounds to prevent the sort of abuse that was referred to earlier and to provide an identified means of escape for the hare. People who keep beagles can also maintain their way of life and avail themselves of the realistic protection that exists.

For generations, the countryside has been entrusted to the farming fraternity. For generations, the sporting fraternities have, in the main, regulated their behaviour well and promoted animal welfare. Therefore, we should seek to interfere and legislate only in areas for which there is a proven evidence base. We should not be led by the vagary of public opinion. We should go where the evidence leads us, and it shows that there are certain areas for which legislation is needed.

I contend that the species that I outlined when talking about amendment No 36 — the curlew, the golden plover and the Irish hare — are being well protected on a voluntary basis. Future legislation would be excessively costly to implement at a time when the Budget for Northern Ireland will be extremely difficult.

We should seek to encourage those in the Countryside Alliance, the guardians of the countryside, who work above and beyond the call of duty to promote their areas. One method of encouragement would be to implement legislation only where it has been proven to be strictly necessary.

Mr B Wilson: I support all the amendments: they are essential to the sustainability and retention of biodiversity. I will not go into

detail on most of the issues, but I particularly welcome amendment No 29, which calls for the golden plover to be protected and amendment No 27, which does the same for the curlew.

However, I am mainly concerned about amendment No 26, which relates to the Irish hare, a subject that concerns me greatly. Unlike Mr Wells, I have been to Crebilly and heard a hare being torn apart. I will refer to that experience when we debate the third group of amendments.

My concern about the Irish hare is not new. On first entering the Assembly, David Ford and I co-signed a motion that proposed permanent protection for the Irish hare, an issue about which I have strong feelings. I recognise that the Irish hare is subject to an annually renewed special protection order, but that has not been effective. The Irish hare must be protected permanently.

Regardless of what other Members said, the Irish hare is under threat. The evidence cited in the consultation document, for example, shows that, since the special protection order was introduced in 2002, there has been no consistent increase in the Irish hare population — it has gone up and down, year on year. The gathering of statistics is problematic. The special protection order has been ineffective; the Irish hare should be one of the animals that receives protection at all times.

For so long as the Irish hare continues to be less than fully protected and regarded as a game species, its population will remain under threat. The current situation, in which the Irish hare is protected only during certain periods of the year, sends an inconsistent message and hampers any enforcement of the protection order. The consultation document includes the statistic that, in 2002, there was one Irish hare per sq km. The document claims that, in 2004, there were five Irish hares per sq km.

I do not accept the figure for the base year of 2002. Those figures are totally out of line with all the others. If we take 2004 as the base year, for example, there was a 50% fall in the number of hares over the next few years. Therefore, the methodology used is extremely suspect. I am not sure how the research was carried out, but those figures cast significant doubt on it. There is no long-term evidence of an increase. As I said earlier, if the population goes up one year, it may go down the next, so it is not stable. One cannot use those figures as a basis to suggest

that there is a long-term trend and that the Irish hare population is now stable and sustainable.

Another issue that relates particularly to the Irish hare is the fact that it is a top target for wildlife crime, as is the badger. As such, it needs additional protection. Mr Shannon talked about all the groups that supported his view that the Irish hare should not be protected. Some groups have a vested interest. Instead of considering their views, we should consider those of environmental groups, all of which support the permanent protection of the Irish hare. One opinion poll, which included people who live in rural communities, showed public support of about 70%. As Dr Farry said, based on the precautionary principle, we do not know the long-term trends for Irish hare populations. We do not know what the critical mass for that species is, so the population could fall below its critical mass and it would be too late to do anything about it. The evidence for population recovery is limited, so we should not take a chance; we should give the Irish hare permanent protection.

5.15 pm

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. Much has been said to which I want to reply. I considered leaving it until later to get to my feet; however, issues were raised about habitat and biodiversity in relation to the Irish hare. The Committee has done a great deal of work and there has been a great deal of lobbying, but, having listened to the debate so far, there is still a two-sided argument. There is not the balance that one would expect. It is not good enough for Members simply to adopt a view and not be prepared to accept the other side of the argument. Members in favour of hunting and shooting must be prepared to take account of the other view, which is supported by an increasing number of people.

The Irish hare has been iconic in our country for a very long time. There is enough habitat in Fermanagh for it to survive. Around my farm, the numbers indicate that, for many years, the species has had no difficulty in surviving. Mr Wells said that planning decisions have devastated many habitat areas in Fermanagh. I am not sure whether that gives the full picture for the Irish hare or, indeed, for many other species, including the curlew. Some years ago, there were quite a number of pairs of curlew in

the area. Nowadays, they visit but they do not seem to stay; they certainly do not nest.

Forty years ago, many people used wild bog land for walking; yet even though far fewer people use them now, curlew populations are declining, so there must be other reasons that we are not taking into account. Some of them have been mentioned: foxes and mink — an invasive species — clear nests, as do grey crows and magpies. They have to live on something. Forty or 50 years ago, every farm was mixed; there was not the specialisation that there is now. All sorts of fowl ranged free on most farms, and they were available for foxes, which do not have any of that today. As a result, they are forced to live on wild species, such as ducks. In addition, given the number of grey crows, I am sure that shooters are no longer interested in wasting cartridges on them.

Furthermore, there is no question that planning has done a great deal of harm. Even now, planning permission is granted for houses in the middle of bog land. If planners had had any wit, they would have, at the very least, protected those species. Once people are moved into what would otherwise be an isolated and rural spot, certain species must move out if they are to build nests etc. All of that has happened, and we are in a different position now. A couple of hundred hectares of land at the Marble Arch caves global geopark at Cuilcagh are largely untouched by people and yet it is an area in which all of these species are in decline.

Jim Shannon mentioned research and development from the 'Shooting Times'. I am not sure that we should believe all that comes from that source because of its biased nature. I have read some of its articles many times, but even I have difficulty with using any of it any more. Nevertheless, it has to argue its corner.

The Irish hare is under particular pressure from changes in farming that have taken place over a number of years. However, even beagle hunting is in decline now. Going back a number of years, sons, fathers and grandfathers hunted in almost every townland, but that practice is dwindling. Those who are arguing for a total ban should be happy that that is the way forward because a ban will only cause hunting to be reinvented and become popular, which is not what they may well have in mind. Hare coursing is a different matter altogether.

I already mentioned the amendment relating to the protection of the environment, flora and fauna. I have taken a great interest in the countryside for a long time with respect to the preservation of species, and I have seen both sides of the divide. I am all for the survival of many of the species that have been argued for to this point. However, we have to take into account the impact of other species in the countryside and their impact on declining species or those we want to protect. People have asked why we have protected so many species that are harming themselves, such as grey crows. The impact of the fox on the bird population has to be taken into account. Surveys on diseases and depopulation have not been looked at fully. We need to monitor, rather than ban, species. There is definitely a need to watch and monitor them in the future. I am not sure whether we should introduce a total ban at this point.

Jim Shannon mentioned the curlew with respect to the quarry list. I do not know why anyone would want to shoot them, but there is certainly a tremendous decline in their numbers across Ireland, the exception being parts of Galway where people do not seem to travel into the boglands. The curlew is in greater numbers in those areas.

I will come back to other issues later in the debate. Habitats need to be studied, and there needs to be more research and interest from those who have the money or who are able to monitor what happens in rural areas for us to know exactly what is happening to habitats.

Some of the amendments make no sense. However, I support most of those that are concerned with habitats, apart from one or two with which I have difficulty.

The Minister of the Environment (Mr Poots):

I thank those Members who have participated in the debate thus far. Dr Farry was the first Member to raise the Irish hare. The Irish hare survey carried out for my Department by Queen's University Belfast reported a five-year average for 2005 to 2010 of greater than two hares per sq km. If anyone needed any convincing on the subject, they should have listened to Mr Brian Wilson, who clearly does not understand how the hare population rises and falls. It does not go on a yearly pattern. Had he any scientific knowledge of hare breeding patterns, he would not have made that argument; in doing so, he

demonstrated his ignorance. I will take the word of Dr Ian Montgomery before I take that of Mr Wilson.

With regard to the Executive's position, further papers were put to Executive Ministers on the back of further amendments being received. However, other Ministers would not allow those positions to be taken. Further letters were issued on the basis of fresh amendments, and that is why we are where we are.

It is acknowledged, with regard to most of the species that we are referring to today, that hunting is not the problem: the problem lies with habitat management. There has been a considerable change in habitat management, particularly between the Second World War and the 1990s. As a result of habitat loss, we have lost many of our key species; however, some of them are beginning to recover, including the Irish hare. Issues relating to the welfare of the Irish hare will be discussed later in the debate.

Mr Wells is very knowledgeable on these subjects, and he has invested much of his life in his passion for bird watching and bird protection. With regard to the great skewer, the schedules can be changed by subordinate legislation: what we are legislating on today will not be permanent for the next 20 years. Mr Wells identified a number of other species that may be making a comeback in Northern Ireland, and we will be careful to take note when that is brought to our attention and move the issue forward.

We have the support of quarry owners with regard to the nests of peregrine falcons. Licensing provisions under the Wildlife Order allows the movement of such nests at an appropriate time of the year to allow quarries to continue their business.

There is a special management plan to control the muntjac deer in Northern Ireland. An action plan targeted at the Ards Peninsula has been initiated, with local landowners and rights holders all actively engaged. I am not sure whether Mr Shannon is aware of that yet, but I am sure that he will be happy to participate in that management issue.

Mr Shannon raised the issue of special protection for game in amendment No 25. I confirm that shooting interests are actively engaged in siting such protection, particularly when required during severe weather. The organisations that we consult include the British Association for

Shooting and Conservation and the Countryside Alliance.

I note the points made about the Irish hare, including their contribution to country sports, particularly in the beagling community. I recognise the difficulties that accepting Mr Farry's proposal would cause.

With regard to aviculture, I note that there is widespread support for the position that I have adopted in relation to amendment Nos 35 and 36, which is same as that adopted by the rest of the United Kingdom and the Republic of Ireland.

I do not see how we will be doing anything to benefit wildlife if we adopt a position in Northern Ireland different to that which is taken in the jurisdiction south of the border or across the water.

5.30 pm

Some people still argue that the curlew should not be removed from the quarry list. There are around 100 to 200 breeding pairs of curlews in Northern Ireland, and there is an issue with why that population has dropped so dramatically. Mr Wells rightly pointed out that the reason for that drop was not as the result of hunting, but through the loss of its habitat, although hunting could have an effect at this point. I thank all those responsible country sports enthusiasts who have engaged in the voluntary moratorium. Unfortunately, one club was not prepared to participate in that moratorium, so in essence it is that club that has brought about the situation where are looking at taking it off the quarry list. On the other hand, there are over 20,000 golden plovers in Northern Ireland, and we are not doing anything to protect that particular population by not allowing a small amount of hunting. There is a fundamental difference between the situation of the golden plover and that of the curlew.

The Department was engaged for some time in the Glenwhirry project in County Antrim. It was very happy to support that programme, and I trust that we will be able to continue with it in due course. The programme was developed with the support of the local farming community and the RSPB. This is where wildlife can really benefit: when organisations with an interest in the countryside come together with organisations that are interested in animal welfare and conservation. As a result of supporting the local farmers in Glenwhirry in conjunction with RSPB, we were able to put

a gamekeeper in that area. That gamekeeper took out around 600 foxes. Some people may be horrified by that fact, but as a consequence of that reduction in fox numbers, there has been an uplift in the number of hares and lapwings and a steadying in the number of curlew in that area. That will take us into another debate at a later stage, because the gamekeeper could only operate with the full suite of facilities that were available to him. If we are serious about protecting the curlew, enhancing the population of Irish hare and looking at other bird species that suffer from predatory animals such as foxes, grey-backed crows and magpies, we will have to ensure that those who control those predatory species have the mechanisms to do so. We will need to fully discuss that issue before the Bill is passed.

Mr McHugh asked why the Department is protecting grey-backed crows. We do not protect grey-backed crows, and I do not know where that came from. Grey-backed crows are not a protected species and are one of the biggest pests in our environment.

I am happy to go to a vote on a number of these issues. It has been a rational and reasoned debate, and the Assembly can produce a Bill of good quality as a consequence of the work that has been done thus far.

Question, That amendment No 6 be made, put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clauses 5 to 8 ordered to stand part of the Bill.

Clause 9 (Protection of basking sharks from disturbance)

Amendment No 7 made: In page 4, line 29, after “as” insert

“—

- (a) a common seal (*phoca vitulina*),
- (b) a grey seal (*halichoerus grypus*), or

(c)”. — *[The Minister of the Environment (Mr Poots).]*

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 (Snares)

Mr Deputy Speaker: We now come to the third group of amendments for debate. With amendment No 8, it will be convenient to debate the remaining amendments in the group, which are set out in the provisional grouping list.

The amendments deal with snares, hare coursing, game and the control of animal populations. The group also includes the Minister’s opposition to clause 15.

The Chairperson of the Committee for the Environment: Go raibh maith agat, a LeasCheann Comhairle. Molaim leasú uimhir 8. I beg to move amendment No 8: In page 4, line 34, at end insert “and omit ‘self-locking’.”

The following amendments stood on the Marshalled List:

No 9: In page 4, line 35, leave out paragraph (3). — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 10: In page 4, line 39, at end insert

“() In paragraph (2)(a) omit ‘snare.’” — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 11: In page 4, line 41, leave out from line 41 on page 4 to line 9 on page 5. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 12: In page 5, line 13, leave out lines 13 to 18. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 13: In page 5, line 18, at end insert

“(2F) Any person who—

(a) uses a snare otherwise than in accordance with such requirements as may be specified in an order made by the Department, or

(b) knowingly causes or permits any other person to do so,

shall be guilty of an offence.’” — [The Minister of the Environment (Mr Poots).]

No 14: In page 5, line 18, at end insert

“(5) In paragraph (7), omit ‘self-locking’.” — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 15: In page 5, line 18, at end insert

“(6) After paragraph (7) insert—

'(8) For the purposes of this Order, "snare" means a device for capturing small wild animals or birds, consisting of a noose in which a foot or the head may be caught.' — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 16: After clause 10, insert the following new clause

"Spring traps

10A—(1) After Article 12 of the Wildlife Order insert—

'Spring traps

12A.—(1) Subject to the provisions of this Part, any person who—

(a) for the purpose of killing or taking any wild animal other than one included in Schedule 6, uses or permits the use of any spring trap other than an approved trap or uses or permits the use of an approved trap in circumstances or for wild animals for which it is not approved; or

(b) sells, or exposes or offers for sale, any spring trap other than an approved trap with a view to its being used for a purpose which is unlawful under sub-paragraph (a); or

(c) has in his possession any spring trap for a purpose which is unlawful under this paragraph;

shall be guilty of an offence.

(2) Paragraph (1) does not apply to traps of any description specified by order of the Department as being adapted solely for the destruction of rats, mice or other small ground vermin.

(3) In paragraph (1) any reference to an approved trap is a reference to a trap of a type and make for the time being specified by an order of the Department, either generally or subject to conditions as to the circumstances in which or the wild animals for which it may be used, and any reference to the circumstances or wild animals for which a trap is approved shall be construed accordingly.'

(2) In Article 18 of the Wildlife Order (power to grant licences) after paragraph (4) insert—

'(4A) Article 12A(1)(a) does not apply to anything done for the purpose of enabling a spring trap to be developed or tested with a view to its being approved under Article 12A(3) if it is done under and in accordance with a licence granted by the Department.' — [The Minister of the Environment (Mr Poots).]

No 17: In clause 14, page 6, line 42 at end insert

"() In paragraph (1), for '12(1) and (2)' substitute '12(1)(b) and (c) and 12(2)'." — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 18: In clause 14, page 7, line 16, at end insert

"() In paragraph (3), for '12(1) and (2)' substitute '12(1)(b) and (c) and 12(2)'." — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 19: After clause 15, insert the following new clause

"Shooting of certain deer

15A. In Article 20 of the Wildlife Order (exceptions to Articles 12 and 19) after paragraph (8) insert—

'(8A) An authorised person shall not be guilty of an offence under Article 19(3)(a) if he uses for the purpose of taking or killing or injuring any Chinese water deer (hydropotes inermis) or muntjac deer (muntiacus reevesi)—

(a) a rifle having a calibre of not less than .220 inches and a muzzle energy of not less than 1,000 foot pounds (1,356 joules); and

(b) a soft-nosed or hollow-nosed bullet weighing not less than 50 grains (3.24 grammes)." — [The Minister of the Environment (Mr Poots).]

No 20: In clause 26, page 15, line 9, leave out from "for" to end of line 10 and insert

"for '1st March' in each of the three places where it occurs substitute '1st April'." — [The Minister of the Environment (Mr Poots).]

No 26: After clause 32, insert the following new clause

"Hare coursing

32B.—(1) A person commits an offence if he—

(a) participates in a hare coursing event,

(b) attends a hare coursing event,

(c) knowingly facilitates a hare coursing event, or

(d) permits land which belongs to him to be used for the purposes of a hare coursing event.

(2) Each of the following persons commits an offence if a dog participates in a hare coursing event—

(a) any person who enters the dog for the event,

(b) any person who permits the dog to be entered, and

(c) any person who controls or handles the dog in the course of or for the purposes of the event.

(3) A 'hare coursing event' is a competition in which dogs are, by the use of live hares, assessed as to skill in hunting hares.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale." — [Mr Beggs.]

No 43: In schedule 2, page 26, line 20, leave out from beginning to "(interpretation)" and insert

"4.—(1) Article 2 (interpretation) is amended as follows.

(2) In paragraph (2)". — [The Minister of the Environment (Mr Poots).]

No 44: In schedule 2, page 26, line 23, at end insert

"(3) In paragraph (2) in the definition of 'wild bird' at the end add 'or any game bird'.

(4) Omit paragraph (3)." — [The Minister of the Environment (Mr Poots).]

No 46: In schedule 3, page 28, line 7, at end insert

"The Welfare of Animals Act Section 21."
(Northern Ireland) 1972 (c. 7)

— [The Minister of the Environment (Mr Poots).]

No 47: In schedule 3, page 28, line 7, at end insert "Article 2(3)." — [The Minister of the Environment (Mr Poots).]

No 49: In schedule 3, page 29, line 7, at end insert

"Section 7(2).

Section 7(3)(b)." — [Mr Beggs.]

No 50: In schedule 3, page 29, line 11, at end insert "Section 7D(4)." — [Mr Beggs.]

No 51: In the long title, after "game dealers' licences" insert

"and amend the Game Preservation Act (Northern Ireland) 1928". — [The Minister of the Environment (Mr Poots).]

The Chairperson of the Committee for the Environment:

The issue of continued snare use in the North drew responses from many organisations and individuals that provided evidence to the Committee as we considered

the Bill. In fact, in addition to detailed written responses, we received a number of single-line e-mails from the general public, urging us to use this opportunity to stop the use of snares in the North for good. Undoubtedly, this is an emotive issue, and the Committee spent considerable time debating it. From the outset, however, it was clear that its members were unanimous in wanting tighter controls on snares than those that are offered in the Bill.

The Committee sought further information from the Assembly Research Service on a range of aspects of snare use, including new snare technology, snare guidelines and the use of snares and pest control in Europe. One particular area of interest to the Committee was the opportunities that new technology might have to offer and whether that would lead to more humane methods of controlling pest species. The guidelines for use of snares made it clear to Committee members that it is a complex area, in which it is easy to fall foul of the current laws inadvertently and end up being prosecuted for malpractice.

Members were also told that the UK and Ireland are two of only five countries in the EU that allow the use of snares and that it is possible that permitting the use of snares contravenes the Convention on the Conservation of European Wildlife and Natural Habitat — the Bern Convention — which prohibits the use of all indiscriminate means of capture. Fortunately, the Committee was able to seek an assurance that neither country had been challenged under the convention.

The Department advised the Committee that, although a licensing regime was feasible, the resource implications of putting one in place and operating it were unknown. Does anyone know how many snares are in use in the North and, realistically, would it be possible to encompass those in a practical and effective licensing system?

The Committee eventually considered two options. One was the introduction of a licensing regime that would require all snares to be licensed, along with a requirement for set snares to be checked once every 12 hours. The other option was a complete ban. When the decision was eventually made, the Committee supported a complete ban on all snare use, for which I urge support.

Before I move away entirely from the subject of snares, I wish to mention the possible inclusion of spring traps in the legislation, should amendment No 16 be made. As part of its scrutiny process, the Committee wrote to other Departments and public bodies to seek their opinion on the Bill.

In its response, the Department of Agriculture recommended that the Department of the Environment should assume overall responsibility for traps and snares. The Committee accepts that recommendation and its support of amendment No 16, which transfers the legislation for spring traps from the Welfare of Animals Act to the Wildlife Order and responsibility from DARD to DOE.

The Committee heard evidence from deer experts who raised two key issues of concern. The first was the timing of the proposed close season for deer. Based on the evidence provided, although it was necessary to reduce the close season to allow for appropriate population control, it was essential that it was done in a way that kept suffering to a minimum. The Committee was advised that extending the period into the autumn, as drafted in the Bill, would increase the risk of orphan calves being left too young to fend for themselves. However, allowing control to commence earlier in the spring would avoid that problem, so the Committee recommended that the appropriate amendment to clause 26 be made. Accordingly, I welcome amendment No 20.

Another area of concern for the Committee was the inclusion of a clause that would permit shooting from a stationary vehicle. The Department advised that that clause was to assist deer keepers to manage their herds more conveniently, but experts consulted by the Committee did not see the necessity for that clause. In addition, there was a suggestion that that increased flexibility could facilitate poaching. Therefore, in the absence of any apparent advantage and at the risk of making poaching easier, the Committee recommended that the clause should not be included in the Bill. The Committee was also pleased that the Minister recently advised that he too would oppose the inclusion of that clause.

Before leaving the issue of deer, I must mention that the Department advised the Committee of the likelihood of an amendment being tabled to ensure that the control of non-native

deer species was as humane as possible. The Committee accepted that in principle and welcomes amendment No 19 accordingly.

Before I finish, which Members will be glad to hear will be very soon, I want to draw attention to an amendment that was tabled only last week, long after the Committee reported on the Bill. Mr Beggs and Mr Elliott's amendment to ban hare coursing is one such amendment. There is no Committee position on the amendment. Mind you, after all the Committee processes that we went through, I do not know whether we would have appreciated going through that. Nevertheless, I will take this opportunity to say a few words from the personal perspective of an MLA for Newry and Armagh.

Hare coursing today is park coursing in which two muzzled greyhounds pursue a hare for a short time in an enclosed field. A banning of regulated coursing has seen an increase in the demise of hare populations in England. I wish to seek some clarity, because there seems to be some difference between what Mr Bell and Mr Wells were talking about. Obviously, there are 30 years between coursing without muzzles and coursing with muzzles. Mr Wells was out of the Chamber when that was mentioned, and it is something that we need to look at. It is an emotive subject. Hare coursing looks like a brutal sport, but now there is the issue that dogs are being muzzled. We need to accept the value that those pursuits bring to local rural communities. It is estimated that coursing generates millions of pounds to the rural economy.

Mr Wells: There is a dichotomy in the Member's position in that it is OK to terrorise a hare by chasing it through an enclosed space with two greyhounds following it, but it is wrong to snare. I suspect that many Members believe that both are equally cruel.

I know where the Member is coming from on the issue, because, at his annual conference, Mr Ferris moved a motion that forced his party to support hare coursing because of a view held particularly in the Kerry and Connaught area. That has put him and many of his party members in a difficult position. I know that many of them privately find it very difficult to support park hare coursing, but they have been whipped and dragooned into doing so.

I will explain the Member's point about the difference. As one of the veterans of this institution, I was here between 1982 and 1986

when the issue was discussed at great length. In Crebilly and Eglis, which may be in his constituency — Eglis is perhaps just outside it — in the old days, the hare was coursed, the greyhounds had no muzzles, and success was measured in the twisting and turning of the hounds. Inevitably, a proportion of the hares were caught, and they were pulled to pieces in front of several hundred people, much to their amusement, apart from the few who heard their screams.

At that time, when the Assembly tried to oppose it, the Conservative Government said no. They were not prepared to run with a ban. Eventually, after much discussion with the Irish Coursing Club, it was agreed that muzzles would be put on the hounds. Does the Member believe that a hare is any less terrorised if it is being pursued by two greyhounds that are muzzled?

5.45 pm

I suspect that the Member, personally, does not support park hare coursing. However, he has been forced by his party to do so. I suspect that a good half of the Members from his party are in the same position. However, they must obey the Whip. They know what the consequences will be if they do otherwise. I am worried that he is going down the route of whipping his party on an issue that is clearly one of conscience. I plead with him to allow Members a free vote, as most other parties are doing, on what is an emotive issue.

The Chairperson of the Committee for the

Environment: I thank the Member for his intervention. *[Laughter.]* I do not believe that anyone will be whipped in my party or any other. It would certainly not be for me to try to whip Martin Ferris into any situation.

I was simply seeking clarity on a point that Mr Bell made. However, I gave you an opportunity to have your say on the matter. There is a point that you —

Mr Bell: Will the Chairperson give way?

The Chairperson of the Committee for the

Environment: Yes.

Mr Bell: Can the Member give way again to Mr Wells? I do not engage in the activity, but I understand that it is not just a matter of the chase. Having spoken to members of the sporting fraternity, I understand that not only are greyhounds muzzled so that they cannot hurt or

injure hares in the barbaric way that happened 30 years ago, as Mr Wells described, but hares are provided with a means of escape.

The Chairperson of the Committee for the

Environment: Thank you very much for clarifying that point. I am glad that the party is not divided on the matter and that you support the argument.

With your indulgence, Mr Deputy Speaker, I want to pick up on Mr Wells's remark that he is willing to listen to the debate on the third group of amendments before he decides whether to support full protection. How would he realistically protect the hare when the Minister has difficulty with paying £40,000 to £50,000 to monitor it? How would you actually provide and implement full protection for the Irish hare?

Mr Wells: I want to make the point that several hares die at every coursing meeting, even when hounds are muzzled. They are killed as a result of being hit by hounds with their muzzles. It is not a conservation issue as much as it is about protecting the hare population. The issue is whether, in the twenty-first century, it is morally right for so-called civilised human beings to take bets on the fate of a terrified animal that is being chased by two hounds in an enclosed area. How can any civilised person stand over that so-called sport? It has nothing to do with field sports, in which the animal has an opportunity to escape into its natural habitat. Coursing is a stressful situation for the animal that is caught. It may have a way out. However, on many occasions, it does not reach the way out. Is that acceptable? I do not believe for one moment that the Member believes that it is acceptable. However, he has been told to take a certain action. He must obey, because he knows what the consequences will be if he does not.

The Chairperson of the Committee for the

Environment: I am over 21 years of age now, Mr Wells; I can make my own decisions. I must say that you still did not answer the point about full protection —

Mr Deputy Speaker: Order. The Chairperson must make all remarks through the Chair. It would be nice if the entire Chamber were included in the debate. *[Laughter.]*

The Chairperson of the Committee for the

Environment: Thank you, Mr Deputy Speaker. Through the Chair, Mr Wells did not answer my question. The Minister knows well that he

has not got the resources to protect the Irish hare fully. He changed his mind just before he came into the Chamber. That is fair enough; he is entitled to do that. However, the fear is that if coursing were banned, it would be driven underground.

Mr Wells: In Northern Ireland, coursing has been suspended at Crebilly and Eglishe as a result of a wise decision by the DUP Environment Minister to bring in a special protection order.

There is no evidence of it being driven underground. What happens is that those who want to partake in that barbaric sport go down to somewhere such as Clonmel, for instance, and enjoy their sadistic pleasure there. There is no need to worry about it going underground. It is very difficult to run a coursing meeting, which requires several dozen bookies, a large enclosed space and, often, several hundred spectators. That could not be done underground in Northern Ireland. We could not have a Crebilly that would not be discovered by the police. Therefore I do not see the Member's argument.

I am also worried by the view that an activity cannot be banned because it might be driven underground. An activity is either right or it is wrong. If it is wrong, the PSNI should be brought in to enforce the law. I do not believe that the Member believes a word that he is saying.

The Chairperson of the Committee for the

Environment: That is very considerate of you to say so, Mr Wells. However, you still have not answered the question about full protection. I will leave it at that, a LeasCheann Comhairle. Go raibh maith agat.

Mr Weir: Judging on the last exchange, the party opposite seems to have taken a very strange position of being anti-snare in all circumstances, but pro-hare coursing. It is the party opposite that is caught in a trap, and it seems that no escape route has been left for it.

It is no secret that I am not the greatest fan of field or blood sports; they are not my cup of tea. At this point, I can sense the itchy trigger finger of Mr Shannon, who may, at some stage, be about to give me both barrels; metaphorically, I hope, and not literally, as he might have been tempted to do at various stages.

I want to touch on two areas of the third group of amendments. I welcome the range of sensible amendments that the Minister has

proposed in this group. Hare coursing has been touched on, and, I am sure, there will be other contributions. I will listen with interest to Mr Wells's contribution, in particular, at a later stage. Even as someone who is not the world's greatest fan of field sports, I see a very clear distinction. As commented earlier, the defence of other field sports can, at times, be damaged by association with hare coursing. However, there is a strong distinction between those who are shooters and hare coursing, which, I think, deliberately goes —

Dr Farry: Will the Member reflect further on the comments that he has made on the definition of sport, particularly in connection with field sports? We often hear that sport is only a game and that other things are more important. Surely, one of the characteristics of sport is the potential for the participants to compete on another occasion. Does the notion of field sports, particularly in connection with the destruction of animals, not cut off the potential for sport, since the participants will never have the chance for a rematch?

Mr Weir: It is somewhat esoteric to get into an argument about what is and is not a sport. If the DCAL Minister were here, he could give a better answer. *[Interruption.]*

Obviously, Mr McCausland is not here. I hear comments from a sedentary position in relation to that.

I regard hare coursing as barbaric and belonging in a different century. It is a case of the barbarians not being at the gate but being at the hare course.

The defence that a hare can be chased by large, muzzled dogs and allowed an escape route does not cut a great deal of ice with me. Whether there should be a free vote, and whether, as Mr Wells suggested, Mr Boylan was acting under duress in that regard, Mr Boylan and, more freely, Mr Bell, defended hare coursing, and I suspect that they will do so in the future. Perhaps, in a cross-community manner, we could have the two of them in the Chamber and release a couple of large dogs to go after them, albeit with an assurance to them that both dogs were muzzled and that a door was left open for their escape.

However, I must say that I regard that argument as a fairly weak defence of a so-called sport. For example, shooting something that will be eaten

later is a perfectly reasonable thing to do, but to defend betting on blood sports as some sort of countryside pursuit is a weak argument. There is a distinction to be drawn between those activities involving animals that are legal and those that are not. Indeed, if we were to go back far enough in time, we would, perhaps, be dealing with bear-baiting, cockfighting or dogfighting, all of which have, at various stages, been made illegal. This issue falls into that category.

Mr Beggs: It was said earlier that banning hare coursing would drive it underground. However, if we were to use that argument, we would not ban cockfighting, dogfighting or a range of other barbaric acts. Does the Member concur?

Mr Weir: To say that banning hare coursing will drive it underground is a weak argument. Despite what the Committee Chairperson said, a lot of similar things that happened elsewhere were challenged on that basis. There is no strong evidence to suggest that such activities have been driven underground. However, even if an activity were driven underground, that cannot be used as an excuse to make it acceptable. As Mr Wells said, if something is fundamentally wrong, which hare coursing is, it should be banned. Consequently, I support the amendments on that matter that Mr Beggs and Mr Elliott tabled.

The other issue is the lack of logic in the position of the party on the opposite Benches on the subject of snares. Society has legitimate reasons for killing animals. Those include, among others, population control and the need for food and even clothing. Sport is not a word that should be used to describe hare coursing. There is, to a degree, a need to control the populations of certain wild animals. When the Committee first debated snares, we were faced with a black-and-white situation. We could either support the present, somewhat unregulated, situation, or we could have a complete ban on snares. Subsequently, the Minister has brought forward sensible amendments on snares. The use of snares does not rest easily on the shoulders of many animal lovers, but if we were not to support the regulation of snares and the Minister's amendments, we could not then kid ourselves that there is a better way to regulate the populations of those animals.

For those who genuinely believe in animal welfare, the Minister's amendments are sensible. We do not want to go down the route of allowing the use of poisons or other methods

that could have very bad consequences. The amendments concerning snares are sensible. However, on both the major issues, Sinn Féin has got it badly wrong.

The Chairperson of the Committee for the Environment: Will the Member clarify his remarks? He talked about the cruelty of hare coursing. There have been instances in which domestic animals have been trapped in snares. Is that not just as cruel? He said that there needs to be a degree of control, but surely he cannot divide one from the other, especially if an animal is trapped in a snare for more than 24 hours, which is what is being suggested. It is either cruel or it is not cruel.

Mr Weir: First, there must be some level of control of wild animals, and secondly, there must be a mechanism for doing that. There is no perfect solution: there is no rural idyll in which animals can be controlled without, unfortunately, some degree of pain. However, there is a massive distinction to be made between first, the need to control an animal population, particularly wild animals, which has to be regulated in the way that the Minister's amendments propose, and secondly, people who use animals for the pleasure of seeing them being chased, hurt and killed. That is cruelty for its own sake.

Mr Ross: The Member's point is that, although there is no great taste for snares, we have to recognise that for landowners who are controlling their land, the alternative of using poison, as the Member said — perhaps he will develop that point — is much more indiscriminate and would have a much more negative effect on domestic animals.

That is our point, rather than that we support snares in some way.

6.00 pm

Mr Weir: I thank the Member for his comments. As I said, there is a necessity to have a degree of control of animals in the wild, particularly in farmland and rural areas. Snares are not a perfect solution, but they are the best solution available. For those of us who see ourselves as animal lovers, snares are a necessary evil; they are fundamentally necessary. The alternative methods of control would be much more indiscriminate. If they were not regulated properly, those measures would be much more harmful to the animal population as a whole,

and that is the fundamental difference. In my mind, it beggars belief how hare coursing, which this amendment proposes to ban, is in any way a necessary evil. It is an evil, but it is not necessary. Consequently, I support Mr Beggs's amendment, and I support the Minister's position on snares and the Minister's position on the other amendments in this group, which are a bit less controversial.

Mr Beggs: I will start by discussing snares, which, I have to admit, I had little knowledge of until evidence came to the Committee. Snares are foreign to me; I have no knowledge of them in my East Antrim community. Like many other Members, I was concerned by the illustrations of cruelty suffered by some animals caught in snares, which we heard during the progress of the Bill.

In the early stages I was minded to ban snares. However, in Committee I learnt of the importance of snares in regulating a number of predators, such as foxes, which prey on ground-nesting birds. That was mentioned by the Minister a short time ago. Evidence to the Committee showed that 30% of foxes caught in Northern Ireland were caught using some form of snare, so they do have a function. However, if they are to be used, they ought to be used in a humane fashion. There has to be fuller understanding by the urban community of the effect that foxes have in rural communities. They are not like cuddly little dogs. They grab defenceless little lambs from their mother and murder them. Therefore, there is a danger that other animals will be exposed to risk if the fox population is not regulated.

Mr McKay: I thank the Member for giving way. Does he agree that the Ulster Farmers' Union's position on this matter, which it has outlined in correspondence with a number of bodies and on local radio stations, is that the use of snares is not considered to be part of common farming practice? From memory, I believe that it has also said that it is not an issue and that snares are not used in sheep farming.

Mr Beggs: I concur with that view. I have no knowledge of snaring whatsoever. However, even just a short time ago the Minister told us that 600 foxes were controlled in the Antrim hills. I understand that snaring was part of that process. If those 600 foxes had not been controlled in the Antrim hills, what do you think would have happened to lambs there? I have no

doubt that lambs would have been lifted and, furthermore, a number of ground-nesting bird species would have been decimated.

Aside from lambs, I have personal experience as a primary-school child of going to collect eggs in the hen house only to find that foxes had got in and the whole house was decimated. Foxes do not lift one hen, they kill everything. They might not even take a bird away with them. It is somehow in their nature to kill everything, and that was a cruel lesson that I learnt as a young child. Earlier this year, my sister suffered a similar fate with her small collection of three hens. They were killed by a roaming fox, as were her replacement ones. It must be understood that there are two sides to the issue. It is not just the fox; it is the animals that the fox will kill.

There are other issues that ought to be of concern to the urban community, in case it thinks that this is a purely rural situation. I expect that, within the last fortnight, Members have picked up the media comments about the urban fox; I think it was in London. The fox has lost its shyness. Generally a fox will run a mile from a human, but in the urban environment that is changing. It appears that a fox entered a house through a cat flap, went upstairs and attacked two babies as they slept. It is not just an issue that affects the rural community; it is an issue that could affect the urban community, including that in Northern Ireland.

Mr Shannon: Will the Member give way?

Mr Beggs: In a minute. If we are going to regulate the fox in the urban situation, I do not think we want Jim Shannon with his 12-gauge shotgun or whatever. That is just not doable. The question I have to put to Members who oppose the use of snares outright is how they will regulate foxes in an urban environment, given that discharging of firearms would not be acceptable.

Mr Shannon: I thank the Member for giving way. There is not a Jim Shannon in every field in the Province, but that is not the issue. The Member mentioned the mauling of the twins by a fox on the UK mainland. Is he aware that there has been another incident of that, where another fox has mauled a child?

Mr Beggs: I was not aware of a further issue, but it is increasing my concern, and I hope that Members are listening. I am looking for an answer from Members present. How

are they going to regulate foxes in the urban environment?

Mr McKay: The example that the Member refers to is of a fox in the middle of London, a large city. We are talking about the use of snares in rural areas. Is the Member seriously proposing that we use snares in urban areas — in towns and cities? Should we put snares on lamp posts? Is the Member seriously considering that? Does he not realise that, in that context, snares could also pose a serious threat to young children?

Mr Beggs: I fully agree that snares could pose a threat. One has to assess the alternative threat. Perhaps Members who have yet to speak can tell us how to regulate foxes in the urban environment. I have no doubt that foxes also exist in the urban environment in Northern Ireland. Remember, that was not just a one-off, as has been pointed out; it has happened on a second occasion at least.

Regulating the number of foxes is important to the rural community. It is not just about lambs and hens; it is also about how we make use of our uplands, which may well be of no economic benefit to other farming practices and where bird shoots exist. That enables additional moneys to come into the rural community through gamekeepers and other activities that could flow from that, such as bed and breakfasts etc, for those who wish to partake of such activities.

Last year I went for a ramble with the East Antrim Rambling Club, and we visited Glenwhirry. We got to see some of that upland, which is managed by a gamekeeper at considerable expense to the individuals who are funding it. That has enabled the return of the red grouse, which is breeding. It is encouraging to see that. Again, without the control of the predators, that would not have been possible and that bit of land would have been barren and of no benefit whatsoever to the community.

I agree, because of the evidence we have been given, that the indiscriminate use of snares should not be accepted. That is why I support the Minister's viewpoint that we should license the use of all snares. If snares were licensed, those who value them and are responsible for setting them would have to regulate and to examine closely their patch in order to operate within the rules, and, if they did not do so, their snares could be taken away. The regulation of snares would mean that ID tags could be

produced to make it clear who was laying them and whether or not they were doing so in an appropriate, systematic and responsible manner.

The Chairperson of the Committee for the Environment: Will the Member clarify who would enforce that and where the resources would come from? It is all right to talk about a licensing system, but the problem, which the Member and I saw in Committee, is the lack of enforcement in every aspect and part of legislation. Therefore, will the Member clarify exactly who would enforce that?

Mr Beggs: It would be up to the public to enforce it. However, I am sure that there would also be some licensing officers. I wish to pose a question to the Member: who will regulate snares that are used without a licence? Banning snares in their entirety will lead to the indiscriminate use of snares that are not regulated and inspected regularly.

Mr McGlone: We must inject some degree of realism into the debate. The use of snares or weapons, be they rifles or whatever else that people use to control foxes and other vermin, is the only realistic method available to people. If it were not for that method of control, many ASSIs would have little or no wildlife in them, never mind our worrying about whether or not they will be designated as an ASSI.

Mr Beggs: I concur with the Member. However, I have yet to hear how predatory animals will be regulated. It is nice to take the view that we should not use anything that will harm an animal. However, if that animal is causing greater harm and pain to other animals, it is reasonable to intervene.

There has been a late amendment on the use of spring traps, and I must admit that I winced when I saw some of the detail. That issue was not discussed in Committee, so I have no knowledge of such traps other than those used to catch mice and rats. However, the traps to which the amendment refers are not used for mice and rats. This is not a nice subject, but how should vermin or pests be controlled? People put down rat poison to control rats, because they think that that is an easy measure and a humane way to kill them. However, I suspect that being poisoned is not a happy end to a rat's life. Another animal may subsequently eat the dead rat; therefore, there are difficulties for the environment in that respect.

I have not examined the content of that amendment in detail. However, in so far as it is a straight lift from the legislation from DARD and has simply been placed alongside this similar legislation, I accept that it is reasonable. It may be appropriate to examine, inspect and amend that legislation at some point in the future. Before making any amendments, it is important that we have a full understanding of the legislation. I hope that there would be consultation with the community about the use of those devices, of which I have no knowledge, at present.

I move to the issue of hare coursing. Why do I want to ban it? My personal views are similar to those expressed by Mr Wells. First, I wish to highlight the fact that, even if the Irish hare were protected, possible loopholes mean that hare coursing could continue. Therefore, irrespective of the outcome of that vote, I believe that a ban on hare coursing is appropriate. It has been suggested that, for example, the brown hare would not be covered by the protection and that, if someone were able to catch it, he or she could use it for hare coursing. The issue is, therefore, wider than the protection of the Irish hare. I am attempting to tackle the issue of hare coursing with the amendment that I have tabled. Hare coursing is not an appropriate form of so-called sport.

6.15 pm

As I understand it, there are only two hare coursing clubs in Northern Ireland: one in Dungannon and one outside Ballymena. Neither has operated since the special protection order was put in place six or eight years ago. Therefore, we are talking about banning something that only two clubs do and which even they have not done for some eight years. Banning hare coursing would not affect many people and would maintain the status quo.

I view hare coursing, as does Mr Wells, as a sport that involves trapping a very private and sensitive wild animal. Wild hares are difficult to approach and do not like human contact. On the few occasions on which I have seen a wild hare, as soon as I went into the field, off it went. Coursing involves holding that wild animal in a confined and unnatural space for days or weeks. It is then released into an enclosure, another very restricted space, into which two greyhounds are released, muzzled or otherwise, to race against it for the amusement of spectators.

Hare coursing is trapping a wild animal and getting amusement from its being chased by greyhounds. That is not appropriate. The hare is in a highly stressful situation, even when it is being held.

Mr McKay: Does the Member agree that the Irish hare would also be in a stressful situation if it got caught in a snare?

Mr Beggs: I have no doubt that that could well be true. That is why it is important that there be an appropriate regulatory licensing regime, that those using snares without a licence be banned from doing so and that all snares be regularly inspected.

Mr Wells: Not that I support snaring, but does the Member accept that there is a fundamental difference between it and hare coursing? Snaring is a necessary evil to protect crops, but hare coursing takes place so that some people can exercise their bloodlust for a totally unnecessary barbaric sport.

Mr Beggs: I concur. Hare coursing is not about regulating a pest or putting food on the table; it is about man collecting a wild animal and deriving amusement from its being chased by a hound. That is not an honourable sport for anyone to be involved in.

Mr D Bradley: I have listened to Members whose characterisation of those who attend coursing meetings has been nothing short of disgraceful. Those who attend coursing meetings have been demonised here today and portrayed by Mr Weir as bloodthirsty barbarians. However, those are not the people whom I know or who live close to me who are interested in coursing. People do not go to coursing meetings to exercise a bloodthirsty desire to see an animal suffer; they go to admire the speed and agility of the hounds. The fact that, over the years, measures have been taken to muzzle the hounds, to provide an escape route for the hares and, indeed, to return the hares to their natural habitat proves that the people involved are not the demons and barbarians that some Members have portrayed them today.

Mr Beggs: The Member is entitled to his view. I have endeavoured not to demonise those involved in hare coursing; however, I do not think that it is an appropriate sport in this day and age. If someone wishes to enjoy the speed of a greyhound, I would much prefer that they go to a racecourse to enjoy watching greyhounds chase

a mechanical hare rather than a wild one. It is on that basis that I said what I did.

I will give Members some more information about amendment No 26, which I tabled. I did not invent the wording; I lifted it straight from English and Welsh legislation that has been in place for some time. The experience is that it appears to be reasonable and workable. I lifted the wording verbatim, to the best of my knowledge, so that the amendment would identify a range of circumstances in which coursing would be banned. If the amendment was made, those participating, those attending and those facilitating hare coursing, including landowners, would all be encompassed in the legislation. The legislation would also cover those who enter the dog for the event, those who permit the dog to be entered for the event and those who handle the dog during the event. Thus, if my amendment was made, the legislation would cover a wide range of people, and it would be competent and capable of bringing hare coursing to an end. For that reason, I urge Members to listen carefully to what is said and to bring about an end to an inappropriate so-called sport.

I was advised that consequential amendments would be required to go alongside amendment No 26, which is why amendment Nos 49 and 50 were tabled. However, I have since learned that those amendments are more extensive than I had intended them to be, so I will not move them today. I will still move amendment No 26 when I have the opportunity to do so shortly.

I ask Members to take the opportunity to end hare coursing once and for all and remove any of the loopholes that may exist, such as whether there is full protection for the Irish hare, to ensure that, in future, no hare will suffer from hare coursing in Northern Ireland.

Dr Farry: The debate on this group of amendments has been somewhat strange so far. One section of the House defends hare coursing but attacks the use of snares, while another section of the House advocates the opposite. On these Benches, we support the banning of hare coursing and the use of snares, because that is the only consistent way forward.

I will put my cards on the table: I regard hare coursing and those who attend such activities as barbaric. Hare coursing is no different from dog fights, cock fights or other activities from our uncivilised past, such as bear-baiting. Its

purpose is to give people some warped sense of amusement from the torment of an animal. No purpose that directly serves humankind is obtained. There are other activities in which animals have to be used for foods and other by-products, but there are no such benefits to our society from hare coursing. It should be banned, and it is part of the long lineage of activities on which society has rightly turned its back over time.

I also reject the notion that hare coursing is a sport. The comments that I made in response to Mr Weir's contribution were in no way meant to be esoteric. The genuine point to be made is that any talk of hare coursing as a sport is a massive misnomer. Even when the greyhounds are muzzled, there is potential for major damage to the hare through physical and psychological trauma. Hares may also be permanently injured or die as a consequence.

Mr Bell: I thank the Member for North Down for giving way, and what I am about to say applies equally to Mr Beggs. Dr Farry talked about the physical and psychological trauma to the hare. Would the Members both not agree that exactly the same trauma is caused by anglers, who place a barbed hook into a fish's mouth, suspend it and bring it in for their own pleasure? Are the Members going to propose banning fishing as well because of the physical and psychological trauma to the fish?

Dr Farry: The difference with fishing is that the intention is to eat the fish after catching it. Certainly, that is what I do with fish. I am not sure what Mr Bell does with the fish that he comes across. However, that goes to the point that I was making. There are circumstances in which one may wish to capture or hunt animals for food. Indeed, there is farming, which also leads to the killing of animals, but that is for food or other by-products.

Mr Molloy: Is the Member saying that the issue is not the pain or the welfare of animals but whether someone can benefit by eating the animal? Or is the issue just the act of killing it? If people enjoy chicken, it is quite all right to put it through the trauma. However, because they maybe do not like something else, they do not.

The Member spoke about fishing. In the past, people have been able to catch very little because, in most cases, fish conservancy means having to put the fish back. Therefore, not only do people catch it, suspend it and pull

it out for their own pleasure, they throw it back in again.

Dr Farry: That intervention raises a number of issues. I work on the assumption that people catch fish to eat them. I cannot quite get my head around the concept of fishing and then throwing them back in. However, the fish will live to fight another day in those circumstances. The point was made that killing animals for food involves pain. However, that is balanced by the practical reality that many of us eat meat as part of our diet, and slaughter is required.

Mr Wells: There is a fundamental difference. In fishing, death is usually quick. Therefore, the stress caused to the animal is for a very short period. The Irish hare has eight weeks of stress being kept in confined conditions and then the stress of the chase. Therefore, the stress is prolonged. Secondly, hare coursing is done purely for public entertainment.

Dr Farry: That is right. Further to the point that Mr Wells made about the stress that is caused to the hare, there is also the issue of what happens during captivity leading up to coursing. There is also the question of what may happen afterwards, and the injuries may be such that they do not immediately lead to the death or otherwise of the animal, which may go through a long period of pain.

As for the use of animals for food, there is a debate in society about how humane we can make the process of rearing animals for meat and how they are farmed and slaughtered. Although I accept that we can go only so far in addressing some of the issues of concern, we have also seen a major evolution as a society with regard to the standards that we seek. One of the better advertisements not just for Northern Ireland but these islands is that our standards are a lot higher than those in other parts of the world and other parts of the European Union.

Coursing is simply about the pleasure of those who are watching and participating in the activity. It does not have any other benefits for society. In that respect, it is no different from other historical examples of mankind tormenting animals for pleasure, and we have, quite rightly, turned our back on those practices. There is no risk of coursing going underground, and, even if there were such a risk, that is no reason why we should not take a stance as a society and say that coursing is fundamentally wrong.

6.30 pm

Snares, too, are fundamentally wrong. It is worth noting, with the qualification that I mentioned earlier to Mr Bell, that there is overwhelming evidence of public opinion being very much against the use of snares. Mr Beggs made the point about shifting from the current indiscriminate use of snares to a regulatory situation. However, even if we move to regulating snares, they are, by definition, indiscriminate. Even if they are regulated, one cannot say that a particular snare is for a particular animal and will only be used on that animal. One has no control over what animal — wild or domestic animals or, indeed, a human — may come across the snare and get caught. The notion of them being used in an urban environment is quite frightening.

Animals that are caught in snares can go through agonising experiences and suffer both physical and psychological trauma. They can suffer slow and agonising deaths. The skeletal remains of animals have been found in snares that have not been properly monitored and in which the animals have been left to rot. There is also evidence that animals try to chew off their own limbs in order to escape from snares. Other animals struggle in snares, making the situation worse. I appreciate that the Minister is trying to move on a graduated scale towards regulation; he is trying to make something that is difficult for many people not as bad as it may otherwise be. I recognise and respect that we are potentially on a journey. However, my opinion and that of the people whom I represent is that we would prefer that snares are not used at all.

That throws up the challenge of what alternatives we should employ. I make the point again that the use of a snare is indiscriminate. One cannot control what is caught in it. One alternative is poison, but it, too, is indiscriminate. I do not see either as being an alternative to the other; both are counterproductive as they are not effective or discriminating.

Mr Beggs: If the Member believes that each of those items is unsuitable, how will we regulate predatory animals?

Dr Farry: Mr Beggs has a very good knack of anticipating the next point. The challenge has been thrown up. I recognise that certain animals are pests and need to be captured and killed. That is a part of regulation and conservation in the countryside. There is, however, the

possibility of using netting and other non-lethal traps to capture animals and then disposing of them in a much more humane manner. That is where we need to focus our attention. They may be more costly and expensive to install and use, but that is no excuse for lowering our standards. Members should reflect on where people want us to go and on the standards that they want for society with regard to how we treat flora and fauna.

The Minister of the Environment: Does the Member accept that although the use of snares is not the most desirable option, it is the best option available? The Member said that other species may well go into a snare, and they would be released within a 24-hour period under our proposal. However, a bird of prey will certainly not go into a snare. Does the Member recognise that if the use of poison is increased as a consequence of not having snares, the biodiversity that exists in Northern Ireland will be fundamentally damaged by moving away from snares? That would be a wholly undesirable situation for Northern Ireland.

Dr Farry: I understand the Minister's point. I regard the use of poison to be indiscriminate, as is the use of snares. That is my point: I do not advocate either.

Other, non-lethal traps and netting can be used to capture animals that need to be controlled. I suggest that that is the better approach to take. I accept that, in what we are debating today, there is a range of options as to how we approach the use of snares. We intend to back those on a progressive basis, but our ultimate preference would be a complete ban on the use of snares. I believe that that is consistent with wider opinion in society.

Mr Bell: There are some important matters to deal with, and principal among them is the issue of snares. The juxtaposition on the Benches opposite of opposing snares and supporting hare coursing has not been lost in the context of the debate. The case for snares is similar to what Winston Churchill said of democracy: that it is the worst form of government apart from all the others. Are snares not the worst form of animal control apart from all the others?

I have never managed a farm. I have been on one many times, but I have never managed one. I have never managed a game estate and never seriously managed any significant piece of land, so I made it my business, as a member of the

Environment Committee, to check with those who manage farms and game estates in my constituency and right across Northern Ireland, those whose job it is to promote the wildlife in their area —

Mr Wells: The honourable Member has made a similar point. The group of people that he has interviewed is hardly a random sample. If one is going to interview gamekeepers looking after estates, they will hardly say that they are against snares. How many animal welfare organisations did he consult? How many animal shelters that have to deal with the consequences of the indiscriminate use of snares did he consult to get a more unbiased viewpoint? He is getting the view that he wants to hear. That is not, in my opinion, a cross-sample of views on this important issue.

Mr Bell: Had the Member given me some time to develop the argument, he would have learned that the animal welfare groups that I consulted were very strong on the alternatives: no poison. The Minister has outlined why the alternatives are wrong. The Member, in his intervention, did not offer an alternative. Nobody particularly wants to snare an animal, but it is a necessary evil.

I am talking about people in a farming situation who manage significant tracts of land. They have told me that it will be physically impossible to manage that land without snares. If anyone has a better alternative, as I said of Churchill and democracy, let us hear it today, because it has not been raised in the debate so far. There has been a lot of rightful concern about animals but no alternative to effective land management. Is anyone here stating —

Dr Farry: I am grateful to the Member for giving way. I will throw out a suggestion about how we can try to marry these two debates: we have evidence of the capture of the hare, which is a very elusive creature. Could that practice be transferred to the regulation of animals such as foxes that are the target of the snares?

Mr Bell: The bottom line is that we have already seen twins mauled by foxes. I do not think that there is any serious argument to be put for what the Member has given. Let me develop it; let me hear it. I will give way now to anybody in the Chamber who can tell me that they have a more effective and better means of land management than snares.

Dr Farry: I made the point that it is possible to design non-lethal traps or to use nets to catch animals. We need not use something that locks itself around an animal's body and slowly strangles that struggling animal to death. There are other ways to catch an animal. They may be slightly more complicated and expensive, but, if that is the direction that we want to take, they can be designed.

Mr Bell: Mr Deputy Speaker, for the purpose of the debate, apart from being a figment of his imagination, will the Member provide the evidence base for what he has just said? I mean the actual evidence base involving a land manager who has put out 60 to 70 of these "netty" traps, or whatever they are, which proved more effective than snares?

Dr Farry: It is good that we are at least having a debate on the issue. How can there be an evidence base when land managers have the legal option of using snares? They will use what is available and what is easier from their point of view, rather than what is best for animal welfare or in the interests of biodiversity. Until snares are regulated, we cannot build up an evidence base for the use of alternative methods.

Mr Bell: My father taught me that if one gives his opponents enough rope, they will sometimes hang themselves.

Mr Wells: Like snares?

Mr Bell: Please, I will generally give way when people ask.

I asked the Member for the evidence base for more effective alternatives to snares and, by his own mouth, he admitted that he does not have one. Scotland, which operates one of the most liberal regimes, uses the snare system as well. The allegation is being put about the Chamber that people who use snares to manage their land effectively are doing so because they are cruel and are interested in seeing animals harmed. They do it because it is the most effective way —

Mr Wells: I really will have to refute that. The Member may be confusing the comments made about hare coursing with those made about snaring. No one is suggesting for one moment that a gamekeeper or a landowner is going out to snare animals for enjoyment or to derive any sadistic pleasure. Some argue that it is a necessary evil. I am sure that they do not enjoy

doing it, but I have heard nobody on any side of the House suggest that snaring is done for fun.

Mr Bell: I am glad that that is clarified. So, we have clarified that, basically, the people who are setting snares, and will be laying and checking them this evening, are doing so because they are responsible and are mainly from farming communities. Today, one person told me that to protect chickens, and believe me, when foxes get at chickens we are into a question of animal welfare —

Mr McKay: The Committee carried out a consultation on the Bill, and by the time the consultation deadline had passed, the Ulster Farmers' Union had forwarded no comments about snares. That shows how seriously the farming community takes this issue.

Mr Bell: The point is that the farming community does not take the issue of snaring seriously or they would oppose my position. That is a debate that I am quite happy to call with the Ulster Farmers' Union, and the evidence base for that is that I have spoken to farmers, which the Member would have known had he listened to me earlier. Without exception, that is what farmers told me.

Therefore, we have established two things in the debate. First, we have established that no better option than hare coursing has evidence-based approval. We have talked about nets and traps and all those things, but the reality is that we have established that there is no other effective means —

Mr Wells: Just to correct the Member: he did actually say that there was no other option but hare coursing. I think he meant snaring. I genuinely think he is mixing up the two arguments here.

Mr Bell: I will come to that, and I thank the Member for pointing out that — point.
[Laughter.]

We have established two things. First, with the exception of snaring, there is no other effective means of trapping animals. Secondly, every other means proposed, from poisoning onwards, is more detrimental to wildlife, will cause wildlife more pain and will affect birds of prey that earlier in the debate we said we wanted to protect.

In that situation, the case is unassailable. Although snares may be a bad form of pest control, they are better than all the alternatives.

I daresay that if a comprehensive analysis could be carried out on the views of everyone managing significant tracts of land tonight, we would realise that snaring is the most effective means to deal with the problem at hand.

6.45 pm

The case for using snares has been comprehensively made, so I shall turn to the second issue — *[Interruption.]* I am sorry; I thought that the Member wanted me to give way.

I have talked to landowners, game estate owners, chicken farmers and farmers throughout Strangford and Tyrone, and, without exception, they argue that the snare is the most effective and least harmful means of pest control. That is why the Minister's measure is the most effective way to address people's genuine concerns.

Let me be clear: the so-called park coursing that Mr Wells described will receive no support from me. However, let us also be sure that the facts do not get in the way of the argument. I have never been park coursing, nor have I any intention of doing so. Having grown up in the countryside, I feel that it is wrong to interfere unnecessarily in people's legitimate way of life. Therefore, I listened to the evidence, which is all that I can do in a situation that I do not know about. The evidence is clear: today's park coursing bears no resemblance to the traumatic events that Mr Wells described. Nowadays, greyhounds are muzzled. Mr Wells said that a hare can die from being hit by a muzzle, but I have no figures for that. If he has research that shows the percentage of hares that die in such a way, I will gladly give way.

Mr Wells: My evidence is based on statistics provided by the Irish Coursing Club, which admits that, on average, at any given meet, two or three hares are killed as the result of being hit by a muzzle. Granted, that is fewer than would be killed without a muzzle —

Mr Bell: Out of a total of?

Mr Wells: There could be anything from 20 to 30 races or even more. I am not saying for one moment that the percentage is high. However, even if not a single hare is killed, it is still unacceptable.

Mr Bell: According to Mr Wells's argument, 90% of the hares that are involved in hare coursing are allowed to escape to their natural

environment, in accordance with Irish wildlife regulations.

Let us look further at the evidence. My colleague Mr Weir made some lurid analogies about being chased by dogs. I shall say something different. Rather than coming up with lurid analogies, I shall look at research from Queen's University. Is it not the case that Queen's University commissioned its independent environmental —

Mr Wells: Will the Member give way?

Mr Bell: Yes, I will.

Mr Wells: I see that the honourable Member is reading from an Irish Coursing Club script. That is another example of the so-called unbiased evidence that that gentleman is putting forward. Could he find anything more biased than the Irish Coursing Club? At least he should try to see the other person's point of view. He should speak to those who have witnessed the cruelty of coursing. I assure him that he will not get that information from Clonmel.

Mr Bell: I thought that the Member said "Cromwell". My evidence does come from the Irish Coursing Club, but it refers to independent environmental research on hares by Quercus at Queen's University.

The difference between my intervention and that of Mr Wells is that I present current evidence, not a historical trauma of 30 years ago. The DEFRA report clearly shows that the banning of regulated coursing caused a dramatic increase in the poaching of the hare population in England. It was identified as the most prolific wildlife crime. Compare and contrast that with the Irish Coursing Club's hare husbandry programme. Do not take my word, or the word of my beautiful assistant who is holding up the Irish Coursing Club visual aid, for that. Take the word of Quercus at Queen's University, which researched hare populations in the Republic of Ireland.

Where the Irish Coursing Club practises its hare husbandry programme, the presence of a robust Irish hare population is not equally likely, twice as likely or even 10 times as likely as in other areas. It is 18 times more likely that the population of the hare is protected. If a dog attacks an innocent animal for pure entertainment and that animal squeals, that is one argument, and I contest that it has already been won. However, evidence from Queen's University is that the hare population is 18

times more likely to survive through the hare husbandry programme. Is that programme not a better form of animal welfare than that which exists?

We have heard that people who take part in park coursing do so based on bloodlust, and they have been demonised. Is everyone talking about the same activity? My understanding is that park coursing involves two muzzled greyhounds pursuing a hare for less than 60 seconds in an enclosed field, in which the hare has already been trained to run to a provided escape. The objective is not to kill the hare and, in over 90% of cases, even by Mr Wells's admission, hares are returned to the Irish countryside in keeping with the Irish wildlife regulations. That gives rise to a significantly different argument.

I listened to Mr Beggs and Dr Farry talking about banning sport that causes some form of physical pain and trauma to an animal. In that case, they would ban fishing. Contrary to Dr Farry's mistaken belief, the vast majority of angling is not for food, but for sport. A barbed hook is put into a fish's mouth, and when an angler catches a fish, the barb prevents it from escaping. The fish is then suspended on a line from a reel that is often operated hydraulically. The fish is then dragged out of its natural environment, the oxygenated water, and is caused significant pain, trauma and torture. Will those Members ban fishing as well?

Mr Wells: I am getting very tired of the honourable Member's arguments, but I will deal with them during my speech. If he were to follow his illogical argument, where would he have stood on bear-baiting, badger-baiting and cockfighting? Exactly the same arguments could have been made: if cockfighting were banned, what about fishing? Had we been debating those issues, where would the Member have stood? Surely there is a dividing line between what is acceptable to the public as a necessary evil and what constitutes cruelty. Where would he draw that line?

Mr Bell: There are two things. First, with regard to bear-baiting and such like, although it does not need to be placed on the record, if the Member wants to know my position, I will state it: I am absolutely against it, but I suspect that he knows that already. If the Member is getting tired of my arguments, I will let him rest and not give way to him so much. The point that I was making, and the point that he failed to answer, is whether the same principles are being applied

to fishing. The only difference is that Members do not have the courage to follow the course of their argument.

In fishing, people dangle bait in front of a hungry animal, with the express purpose of trapping that animal by putting it on a hook and causing it physical injury. The barb then causes the fish additional physical injury as it struggles to escape and is held more tightly. The fish is then hung out of its natural environment, it is usually weighed for a significant period, and it is then thrown back into the sea traumatised with physical injury and with no opportunity for counselling.

If we going to start making those clear arguments, there cannot be sport. Mr Weir made the argument about equality of arms and weakness of argument. Taking cognisance of the fact that he is the Chief Whip of the party, I will not respond too forcefully on that issue.

Mr Storey: Remember Declan.

Mr Bell: Remember Declan, indeed.

If a case is to be made that sport takes place only through some form of equality of arms, as a barrister would state, do the fish have to be on a par with the fisherman, or does the animal have to be of a similar calibre to the gun that it is being shot with? Where do we start to draw in those conclusions?

We need to be expressly clear that we have established that snaring is a necessary evil; that there is no alternative that will help to manage the environment; and that any proposed alternative will hurt animals, cause them additional pain and suffering and create additional degradation of the wildlife and the natural environment. That is why the amendment to regulate the system of snares is appropriate.

We must ask ourselves whether we go with what happened to hare coursing 30 years ago, which is, effectively, finished, or whether we go with the reality of what happens today, where, as a result of the hare husbandry programme, a hare has an 18 times greater chance of success and 90% of them will be chased for less than 60 seconds by two muzzled dogs to an escape route and returned to the natural wildlife environment as is legislated for through Irish wildlife regulations. In that case, the people who are involved in the latter are doing it out of genuine interests, in the same way

that fishermen do it, which is for their sport. However, Members will not attack the fishermen because they know that, if they were to do so, they would not be here after the next election.

It is the same principle as there being a limited amount of cruelty and pain in fishing, in the same way as there is a limited amount of cruelty in hare coursing for the same outcome. Therefore, if Members are genuine, and they are stating that any sort of activity that causes physical injury or psychological trauma is to be banned, they should put that in their manifestos. I will wish them well as I say goodbye to them at the next election.

Members should have the courage of their argument and follow it through, or they should not. However, if sport is to be allowed, it should be regulated. If someone can tell me how we have a better system here today for the hare as opposed to the evidence of Queen's University and Quercus, which shows that the hare is 18 times more likely to survive in the Republic, I wait to hear it.

Mr McKay: I am in favour of the Environment Committee's move to ban snares outright. Retaining the use of snares was not an issue that we had been lobbied strongly on when compared with the issues of hare coursing and keeping birds, etc, which have also been included in the Bill. Of course, the majority of respondents to the consultation opposed snares.

Those groups included the Animal Welfare Federation, the League Against Cruel Sports, Leca Conservation, and the Environmental Link, which consists of many environmental organisations. Indeed, only two groups — the British Association for Shooting and Conservation and the Countryside Alliance — indicated that they wanted to retain snares.

7.00 pm

As Stephen Farry said earlier, snaring is completely indiscriminate. If Members have done their research for the debate today they will have seen many horrific photographs of cats, dogs and other domestic pets that have been caught up in them. The use of snares is not common throughout most of the rest of Europe, and Ireland and Britain are two of the last countries to retain their use. In the Czech Republic, the use of wire snares is banned and the nature protection Act in Poland bans the use of snares there.

It is clear from recently released evidence that snares are being set by gamekeepers and others across the North in violation of codes of practice. It is not a big issue for the farming community and there has been a degree of scaremongering by the Ulster Unionist Party and Mr Beggs today. Indeed, the Ulster Farmers' Union has stated that:

"the use of snares is not considered to be a common farming practice".

The Ulster Farmers' Union also suggests that snares are not used in sheep farming, despite what Members from the Ulster Unionist Party have said today, and it has repeated that view during radio interview since.

Mr Wells referred to how unacceptable it would be if a cat or dog were to be coursed or chased around a field. Why is it acceptable for snares to be put in places that can trap cats and dogs? In some cases, wire nooses tighten around an animal's neck cutting open the animal's throat and choking it in a torturous way. It is absolutely inhumane, and not part —

The Minister of the Environment: Does the Member accept that that we are not debating those types of snares, but snares with stops? The Member is confusing the debate and is not dealing with the issue under discussion.

Mr McKay: Mr Bell, a Member for Strangford, referred to the so-called liberal regime in Scotland, and something similar is proposed here. If Members have done their research for the debate they will have found some quite horrific examples of the damage that has been done to animals by snares. If Members Google "snaring" they will find images of dead cats and dogs and snared animal skeletons. Scotland has a so-called liberal regime, yet a number of dogs have been caught in snares there and have had a great deal of damage done to them. One such example occurred in Forres in northern Scotland where there is a law that snares must be checked every 24 hours. A Mr Powney said that he had:

"the unenviable task of finding and removing my young daughter's pet cat, which was found dead, strangled and hanging in a rabbit snare, set on a fence only 50 metres from my house."

He added that:

"The worst thing was that we could see it from the garden... My daughter was absolutely devastated when she found out."

There are other cases, including one in which another poor creature was almost cut in two by a snare, but was still alive when found by a doctor. When the doctor touched it, its heart fell out still beating before it died. Those are the realities of snaring and what can and does happen. The Minister can screw up his face all the likes, but that is the reality and a fact.

Some local shooting estates have been extremely irresponsible with snares. Indeed, in one of the most significant finds in many years, one club was found to have set 22 snares set along a single fence line this year. It is a problem that involves a small number of people, and humane alternatives are available to them. The public wants to see this practice brought to an end.

Mr Shannon: I will speak on the third group of amendments, which deal with snares, control of animal populations and game. As a member of the Committee for Agriculture and Rural Development, I am aware that when representatives of the League Against Cruel Sports attended the Committee, they could provide no statistical evidence that snares had been used inhumanely in Northern Ireland. That was interesting, because although that body has data from across the water, it is recorded in the Hansard report that the organisation could not provide evidence about Northern Ireland when we asked it to provide it. That says a lot.

On two occasions, Mr McKay asked about the Ulster Farmers' Union. Departmental officials contacted the Ulster Farmers' Union, and its initial reply was as the Member said. However, after that organisation carried out exhaustive research among its members, it told the Committee that a number of its members used snaring. They did not use snaring in large numbers, but a number of them did. I give that information to be accurate about the Ulster Farmers' Union, of which I declare an interest as a member.

Amendment Nos 8 to 15 deal with snaring, which can be a controversial issue. Numerous respondents have contacted me on the matter. I have been contacted by not one, two, three or 10 people but by dozens upon dozens of people. It is important that we make the information available on what modern snaring entails, because Members need to know that.

Modern snaring is a skilful, selective and humane method of capturing and restraining target animals for dispatch. It is important that we support the Minister's proposal, because properly set snares should not kill. A modern snare is free running, and it allows the snare to loosen and any non-target species to be released. The modern snare has a permanent stop fitted to prevent complete closure. The Minister said that on a couple of occasions, and a couple of other Members said the same.

Snaring allows the control of foxes at crucial times of the year, especially at this time of year. Indeed, just last night, one of my farmer friends informed me that, on Saturday, he had to call in someone to control the foxes and that that person dispatched three. At this time of year, when the fox cubs are out, fox numbers are up. They take a significant toll on wildlife. In that case, it was on that gentleman's chickens and bantams, and he was concerned about that.

Other Members mentioned foxes, and it is important that we control them. Snaring is a humane method of doing so, and it is important that that opportunity be given through the regulated system that the Minister indicated will do just that. I have witnessed, and I have talked to other people who have witnessed, what happens whenever a fox gets into a chicken coop or a duck pen. I do not know whether other Members have witnessed that. The fox kills all around him, and that is his method of looking after the pen. Therefore, foxes have to be controlled.

In spring and early summer, the vegetation and crops are often too tall to allow effective control through shooting, so snaring provides an effective method of control to protect ground-nesting birds such as curlew, which other Members spoke about strongly, and their offspring at that vulnerable time. In certain environments, the snare is often the only efficient and effective management option. In answer to an intervention, the Minister mentioned Glenwhirry estate, where 600 foxes were dispatched. The result of that is that curlew, red grouse, snipe and lapwing numbers have increased. Sometimes, an imbalance in nature has to be controlled, and the use of snares is one way to do that.

The red grouse, the lapwing and the godwit are examples of the ground-nesting birds that are included as priority species in the Northern

Ireland biodiversity strategy, which everyone spoke in favour of earlier. Everyone also spoke in favour of biodiversity in the countryside. Snares provide a vital management option for the control of those vulnerable species. That has already been accepted in Scotland, and the new system was introduced there some months ago. The Minister's proposals for here are clear and are suitable for the countryside and the rural community, and, importantly, they regulate the system.

The future of the red grouse and the other species that form a part of Northern Ireland's biodiversity will require the control of foxes, and, undoubtedly, the loss of snaring will increase the pressure on those already vulnerable populations. To protect rural jobs, the rural sector and the biodiversity of Northern Ireland, snares need a future. Members talked about bad practice —

The Chairperson of the Committee for the Environment: Will the Member give way?

Mr Shannon: I am happy to give way.

The Chairperson of the Committee for the Environment: Foxes aside, we are talking about a knotted snare. Mr Wells talked about the stress caused to animals in hare coursing and the stress experienced by an animal, no matter what type of animal, when caught in a trap for 12 or 24 hours. What is the difference? Can you clarify that?

Mr Shannon: I am not in the business of clarifying anything on behalf of Mr Wells. He can clarify his own issues. As far as I am concerned, the snaring process can be regulated as the Minister has proposed, and the snares can be checked every 12 or 24 hours. I know lots of gamekeepers who regularly check their traps and snares, and they have released some animals that were not supposed to be there. However, it is important that we have control over rabbits, weasels and even mink, because they can be very destructive animals as well.

A mechanism is required to raise standards in Northern Ireland. That is important. We are looking at a better methodology to regulate snaring and to professionalise the use of snares for necessary wildlife management in Northern Ireland. The BASC already provides a snaring accreditation course, which is currently being run successfully in Scotland. They have shown how to do it correctly there, and I believe

that Northern Ireland should adopt that industry-led approach. I would approve of legislation for snaring similar to that in Scotland. I also approve of the regulated system that the Minister has put forward. If it is a good system and it is regulated, it can work. There will always be examples of where it has fallen down, but it is getting better. It is a matter of putting in place the legislation to improve snaring and to do it better.

The skills of the individual who sets the snares are essential in minimising welfare problems and the capture of non-target species. Legislation in Northern Ireland should require those wishing to use a snare to be trained. I hope that that will happen through all this legislative change. An accredited course should be developed with the approval of the Northern Ireland Assembly and delivered by the shooting, conservation and farming sector. There are methods through which that can be done. The cost of the course development and its delivery should be shared by those wishing to use the snares. In other words, those who are licensed to do so should pay for that course and deliver the system as put forward.

To provide accountability, legislation should require snares to be tagged. That is a clear condition of what the Minister is saying. The tags will display a unique user identification number, and the tag number will be issued to an individual only on completion of the accredited snaring course. Again, the systems need to be in place to ensure that snares are controlled and looked after.

It is suggested that the legislation should specify how snares should be designed and used and that snares have to be fitted with effective stops to prevent full closure. Again, it comes back to the system that the Minister is putting forward, which will improve the snaring process and ensure that it is acceptable. I believe that that will allay a lot of people's fears. Future legislation should also require snares to be checked to ensure that they are free running and checked at least once every 24 hours, or, as has been suggested, once every 12 hours. I know gamekeepers who check their snares every 12 hours. Snares must have an effective anchor to prevent them from being dragged. Snares should never be set on or near features that could result in animals being fully or partially suspended or drowned.

Decision-making on snaring in Northern Ireland must be made in light of all available science. Let us base this debate on snaring on the facts of the case. DEFRA has commissioned research, which is due to conclude very shortly. That research looks at, among other things, the humaneness of snares. Every effort should be made to examine that work and to ensure that policy decisions on snaring in Northern Ireland do not conflict with modern research.

I support amendment Nos 8, 9 and 10 as sensible approaches to snaring that allow for regulation but not persecution of those who wish to use snares in the right way. Let us regulate snaring, let us control it, and let us have a system that can work. As regards amendment Nos 11 and 12, I support the comments that BASC has made, which I have already outlined, about checking snares every 24 hours. I support amendment No 13, because I believe that snaring is only, and should only, be carried out for the correct and proper reasons, such as pest control, which the Department must recognise. The Minister and, I believe, most Members, even those who are sceptical, recognise the fact that there is a need for pest control, particularly for foxes. It is important that that happens. Importantly, amendment No 15 defines that clearly. I fully support the new clause that is proposed in amendment No 16.

7.15 pm

It is essential that, through all the amendments that relate to snaring legislation, the use of snares is regulated and appropriate and that people who use snares still have the freedom to use their skills to control the land. That is what gamekeepers do: they control the land and the vermin on it and ensure that it is looked after. BASC and the Countryside Alliance reached that compromise with the Department, and I fully support such an accommodation.

I also support amendment Nos 17 and 18. I support the Minister's desire to omit clause 15, which relates to shooting deer from a vehicle, and of the inclusion of the new clause that is proposed in amendment No 19. I also support the Minister's decision to change the date of the deer season from April to March, which is sensible, logical and practical. That is what those amendments offer.

I must stand against amendment Nos 26, 49 and 50, which refer to hare coursing. Hare coursing is a test of speed and agility. Dogs

are muzzled, and hares are coursed only once. People who are involved in the activity say that hares are taken back to the areas from which they were originally taken. We can talk about the past and what was wrong with the former system, but a modern, sensible system is now in place.

Coursing clubs worked closely with Queen's University on a number of groundbreaking research projects. Professor Ian Montgomery is on record as saying that his research would be impossible without the enthusiastic participation of coursing clubs, and, clearly, he could not have obtained the required information without their co-operation. That research confirms that coursing does not have any negative effect on hare populations. The hare population is growing, and that must be recognised.

The Irish Coursing Club has more than 2,000 licensed trainers, and more than 22,000 greyhounds are registered annually. That makes coursing an important rural business, on which the proposal to ban coursing would have an adverse effect. Therefore, I cannot support amendment Nos 49 and 50.

I support amendment Nos 43, 44, 46, 47 and 51, among others, and I urge Members to support them. I also urge Members not to back the amendments that I do not support.

Mr Kinahan: I am pleased to speak in the debate. I started with a nice clean set of logical notes. However, after listening to the debate and going round in circles, I hope that my comments will follow logically. At the start of the process, I said that we would have to be careful not to become emotional and get carried away. We are here to listen to good clean debate and make our decisions.

When the Bill initially came before the Committee, I, like my colleague, was of a mind to ban snares. Indeed, at that time, we were not lobbied much by the Ulster Farmers' Union or others. Subsequently, I have probably received more e-mails on that topic than on almost any other subject. All of them came in after that event.

When snares are properly controlled, they are a necessary evil. The alternatives include lamping, which involves people going out with guns late at night; shooting, which is not necessarily an easy course of action for people who are on the urban border with the countryside; ferreting, which is another reasonable way to catch pests,

although some people may not like it; and hunting, although another 100 packs of dogs would probably be needed to control all the foxes in Ireland. Therefore, snaring is one tool.

Today, we should support the use of snares as long as they copy best practice from places such as Scotland. Snaring needs to be licensed in such a way that people will not be permitted to buy a snare unless they have passed a course and know what they are doing.

I say that snares are necessary from my own experience. I have lost all my hens and ducks on three occasions and two or three deer. Foxes will kill. They will take away as many creatures as they can, and they will store them. Foxes are very organised. There are many of them, and we must control them. At the same time, we have heard from others who say that foxes eat grouse and curlew. It is our job to try to regulate the balance of nature as best we can. I feel that we must, therefore, keep the snare as one of our tools. I support amendment No 8.

I move now to spring traps. My initial instinct, again, was that they were awful, but then I remembered the horror of going to the zoo here. It was not the animals in cages that horrified me, but the 150 magpies that descended at feeding time. Think about the damage that the magpie does to nesting birds, eggs and everything else, and what a sly creature it is. If an individual follows a pattern to shoot a magpie one day, the magpie will remember that pattern the next day, and it will disappear the moment that the individual opens the door again. The magpie learns very quickly; it is one of the birds that need to be trapped. The Larsen trap, which is one of the spring traps, is an ideal way to catch magpies. It is not nice, because the bird is in the trap and someone has to catch it and wring its neck. However, we are not here to talk about whether it is nice; we are here because we want to control.

I move on to hare coursing. It is the subject which brought out all the emotion today, but that is the wrong way to deal with the issue. Rules have been introduced in Ireland with regard to muzzling, catching the hare, letting it out only once and allowing the hare to get out at the far end. One colleague asked, with a smile, whether there was an exit sign. There is probably a sign in Irish. All those measures are sensible. It is all there and is designed to let those people who want to enjoy the countryside, in their way, carry

on enjoying it. I am uncomfortable with banning hare coursing, but it is not perfect. It is on the other side of the coin. When we draw our line, I feel that we have to leave the ban on hare coursing in place until we have found better ways of letting people enjoy it.

The House was sidetracked when the issue of betting at hare coursing was mentioned. That is a different debate. I plead with Members to look at things logically and straight. Get rid of the emotion, think of what we are trying to do, and then we will get the best results.

Mr Molloy: Go raibh maith agat, a LeasCheann Comhairle. It is late in the hour, so I will not go into a long-winded debate. There are important issues that we have to deal with. There is no whip in relation to this particular matter. I oppose the legislation. Angela Smith introduced the legislation some time ago, and I oppose it today in relation to hare coursing and on the lines of trying to complete protection of the Irish hare. The hunting fraternity believes that this is the thin end of the wedge, but some of our people-who-like-to-be-good-to-everything brigade want a nice, cosy situation. This is the thin end of the wedge. First, they want to introduce the protection of the Irish hare, and then they will say that, if the Irish hare is protected, there should not be any hunts, because the hounds will not know which hare is an Irish hare and which is a brown hare. There has to be some form of demarcation.

We have to deal with the coursing as it is at the moment, not along the lines of the emotion that Mr Wells and others have gone through in the past. I thought that they would have got over the trauma at this stage, because it seems that they have looked on for the past 30 years in this situation.

It is better that hare coursing be controlled and regulated than banned. If Mr Wells and others believe that hare coursing does not happen because there is a ban on it, they are living in cloud cuckoo land. The same applies to cockfighting, for instance. If they think that that does not happen in the countryside, they are badly misled.

Mr Wells: Perhaps the Member can give us the view of the Minister of Agriculture on the issue. She has said, both publicly and privately, that she is appalled by hare coursing. Can he confirm that?

Mr Molloy: I cannot confirm that at all. I do not know what the situation is in relation to that. I know the reality of the situation on the ground.

By regulation and control, any situation can be managed. There is already quite a bit of regulation on hare coursing; there is the muzzling and allowing the hare to escape. I know that there are people on the opposite Benches — not all, but some — who would ban all types of betting on sport, whatever it may be. *[Interruption.]* Ban it, yes. They would probably ban horse racing and greyhound racing because of betting and gambling. There is a certain section of people who would want that.

The exhaustion of the hare has been mentioned. However, when I watched the Grand National, I saw that the riders brought the horses back exhausted. Does that mean that horses should not be raced any longer? One can see that, when a horse is racing, it enjoys the race, and the same goes for greyhound racing. We need to be careful that we do not create a cotton-wool community in which we protect everything so much that we cannot do anything at all.

The rural way of life is being jeopardised by a small number of people sitting in cloud-cuckoo land and making decisions for everyone else. Hare coursing has been controlled in the past and it can be controlled now. It is a major way of controlling the sport, and we must look at how we create an industry around it. Greyhound racing in the South of Ireland is a major industry, as is horse racing. We can deal with hare coursing if we manage and control a lot of these things.

The statistics show that in areas where coursing happens, the Irish hare population has increased, and in areas where there is no hare coursing whatsoever, there is no sign of an increase. That is happening because the hares are protected. The people who manage that structure are managing the hares and ensuring that infection and disease are eradicated. The people who work in the various sports and structures around that actually do look after those who are involved in it.

I do not want to get into the issue of snares in any great way. However, it is typical of the approach that people have in a lot of these situations that they collect the fox or they collect these animals. What do they do with them then? Mr Kinahan said that he had to wring the necks of birds caught in traps the next day. What would he do with a fox? Would he hit it

over the head with something? Would he shoot it? Is one method more humane than another? The collecting of animals in a box and putting them through the trauma of being trapped is the same as the exhaustion of the hare that Mr Wells was talking about, if we look along the lines of the hunting process that is involved.

The people who are behind the amendments are the same people who, later on in the year, will come forward with a motion to ban hunting completely. This is the thin end of the wedge. They are preparing the ground for a private Member's Bill that will ban hunting completely. We need to be very careful that we do not introduce legislation in a small way that will be used by those who wish to ban hunting completely, because that is their intention.

Foxes are overrunning parts of the countryside. People who normally keep chickens and fowl and one thing and another in their back gardens have stopped doing so. The game that is naturally running about the fields — pheasants and things like that — are being wiped out because of the number of foxes. At some stage, we may have to return to offering a bounty for foxes. We will have to pay people to catch and kill foxes and bring them in.

That is an angle that we have to look at. We have the figures from Mr Wells on the number of hares that are killed by a dog hitting a hare with its muzzle. That is nearly as difficult an action as catching a hare. I do not know how a dog is trained to know that hitting a hare with its muzzle will kill it; it seems to be an accident. We do not have the figures on the number of hares or badgers killed by cars on the road, but should we ban cars from the roads completely? Do we need some means of protecting animals completely, so that nothing can be killed?

7.30 pm

Mr Wells said that fish were killed suddenly. Why do we throw them back into the river again, if they are dead? If they die suddenly because they have been fished out of the water, why throw them back into the river? Is that just so that other fish can eat them? Are we dealing with cannibalism, in a sense? We need to look at the reality of the world today, not the ideal world that some people would have. We have a good piece of legislation and this amendment detracts from it.

People have suspicions about why the hare was included and concerns about what the long-term plans are. We need to look at what is the best way of protecting the Irish hare. We have proved time and again that the best way of protecting a species is to manage the situation and to create the right environment so that we do not have a situation in which there is no control whatsoever and nobody looking after the hare, so that the population simply disintegrates. Let us not destroy a good piece of legislation by including a number of small items that can damage it in the future.

Earlier, we discussed the issue of people fishing for food and anglers fishing for sport. Fishing is in sporting magazines, so it is not about survival. The sport is simply about catching a fish, reeling it in and then throwing it back in the water again. We also have the situation in which we are being told that coursing is wrong, but course fishing is OK. Mr Wells comes from Kilkeel and, there, fish are not just fished by a rod and a line, they are fished in big nets and rolled in. The fish are not even humanely killed. They are killed by the loss of air when they are rolled onto a big boat. However, we all like to eat them for tea, and there is nothing wrong with that part of it. As another Member said, Mr Wells's thinking might be that a lot of people in his constituency who vote for him are involved in that process, so he would not like to go against it, but let me tell you that there are as many people right across the country who are involved in hunting and rural sports and who might decide to look at all Members' positions on that.

Therefore, let us look at the legislation that we have and how we can protect the rural way of life and rural sports, rather than trying to create an ideal world, in which nothing can be dealt with and that is overrun with foxes and other vermin. The European Union is talking about banning bait for rats, so we could have a situation in which we cannot put down any kind of bait for them. Where do we stop in that kind of situation?

It is important that we deal with the reality of what we have today. Despite what Mr Wells said, ours was an ardhchomhairle — a national executive — motion that was adopted at the ard fheis. It was not decided simply on the lines of what one party member who may have some knowledge of the matter said. One member would not represent the views of everyone.

There were several constituencies across Ireland from which the same types of motions were coming, aiming to ensure that we protect the rural way of life, do not destroy it and create the environment where people will come to this country to participate in those sports, rather than killing it off and destroying it.

Mr Wells: The night is young; it is only 7.30 pm. It is fascinating to see what happens when the shackles of the five-minute rule are thrown off and Members can express themselves. What makes this even more unique, apart from the Members opposite, is that it is amazing to see what happens when Members are given the freedom to say exactly what they want to say, to vote in whichever Lobby they wish to, and have the opportunity to listen to the arguments made and base their decision on the viewpoints expressed by various Members. I have to say that nothing that I have heard this evening and this afternoon has changed my view one iota, but I am sure that for others it has been a very interesting experience. It is only half past seven, and I understand that the canteen is open until midnight, so we have plenty of time to deal with these important issues and to take some crucial votes later on.

First, I want to deal with the issue of hare coursing. I congratulate the Member for East Antrim Mr Beggs for bringing the amendment forward. I made the point to the Minister during Second Stage that, in 30 years' time, he may not be known for some obscure amendment that he made to the RPA Bill, or some issue that he dealt with on the redeployment of planners —

Mr Kennedy: Because he did not.

Mr Wells: He did not, but at the time when I made that point, he could have. He may well be remembered as the Minister who ended the barbaric practice of park hare coursing. Equally, the Member for East Antrim could go down in history as the person who delivered that much-needed change in legislation.

I emphasise that we are talking about park-enclosed hare coursing, within a confined space. We need to differentiate that from open hare coursing, which is practised in England. In 1972, Mr McConnell, who was then an MP in this House, tried to bring in legislation to ban hare coursing. He got through several readings successfully, and the reason why the legislation failed is that the Northern Ireland Parliament

collapsed. Similarly, in 1974, Lord Dunleath, the Alliance Member for what is now North Down —

Mr Ford: Also Alliance.

Mr Wells: Also Alliance, yes. He was within days of getting legislation through to ban park hare coursing. Guess what happened? The Assembly collapsed in 1974. In 1986, in the Assembly that I was part of — the 1982-86 Prior Assembly — I was working hard to bring in legislation to ban hare coursing, and guess what happened? That Assembly collapsed. I do not for one moment want to think that Mr Beggs's proposed amendment is going to bring this place collapsing down around our ears, but it is interesting that we would have had a ban on hare coursing long ago had it not been for three fates of history, and no one would have missed it. It would have been gone forever, and been completely unlamented.

If the proposed ban on park hare coursing does not succeed tonight, it will not be on the strength of the argument, or because of public opinion, as 73% of the population have said that they want an end to it. It will be because the honourable Member for Kerry North Mr Ferris, at a Sinn Féin conference, proposed a motion opposing a ban on hare coursing. That then led to a three-line whip on the Members opposite. I know, from private information that I have, that many of them personally, including the Minister of Agriculture, if given a free vote here tonight, would vote for a ban on hare coursing.

The issue that I have to put to the honourable — not honourable, but the Members opposite — is that no one is going to tell me that all 26 of them, or 25, as Mr McHugh has left, who, on conscience, have considered the issue and weighed up the balance, would come to the same opinion that hare coursing is a good thing. Some of them are educated, some of them have gone through university, some of them are females — I see that Ms Anderson the Member for Foyle has come in. I know that, in their own heart of hearts, if they were given a free vote on it, they would vote to ban park hare coursing.

Not one of them has been prepared to stand up and put hand on heart, including the Chairperson of the Environment Committee, and say that a year ago, they would not have voted for the amendment. They would have voted for a ban on hare coursing, but now they have been whipped by the Sinn Féin machine, which has ordered them not to support it under

any circumstances, even though it has support from Members throughout the House. Is it not sad that that barbaric practice may be allowed to continue in Northern Ireland simply because of the activities of Mr Ferris, who does not even live in the same country? He is hundreds of miles away in County Kerry.

Mr O'Dowd: The Member's fixation with Sinn Féin and its practices is quite admirable. If he wants to do a study of Sinn Féin, I will certainly help him with the research. However, his argument does not carry weight with Mr Shannon or Mr Bell. People across the Floor have varying views on hare coursing, and some of them are very emotionally held. Sinn Féin, as my colleague Mr Molloy said, accepted a motion at its national executive, its ardcómhairle. That went to an ard fheis, which was attended by around 1,000 delegates, and was voted on and passed. It is called democracy within a political party. The Member should try it some time. Our position on the issue is crystal clear and will not change. The Member can berate us all night, and I am happy to sit here until midnight while he does so. What is the Member's viewpoint on banning a countryside sport that provides an economic benefit, which is more important now than at any other stage, to the rural community?

Mr Wells: The greyhound racing industry will continue regardless of whether there is park hare coursing, because suitable alternatives are available, namely, Dunmore Park and another park in the borough of Lisburn. People can train greyhounds there and race them using electronic hares. Therefore, the suggestion that a ban on park hare coursing would lead to redundancies is nonsense. For the past six years, there has not been park hare coursing because of the special protection order, and there have been no redundancies in that time. People simply moved across the border to the Irish Republic to continue their sport.

I would like to hear one of the Members opposite say — they will not respond to me because they are being whipped viciously on the issue — that minds were changed by the decision that came about as result of Mr Ferris's motion. However, their minds have not changed. They were against hare coursing, and now they are being told what to think.

The difference between the Member's party and mine is that the DUP has a free vote, which is unknown to Sinn Féin. In my party, Members

such as Mr Shannon will vote in favour of hare coursing, and wiser Members will vote against it. Our free vote means that DUP Members will go through both Lobbies tonight. The issue is an obvious one of conscience. We cannot turn it into a party political imperative, requiring a vote one way or the other.

Mr Brady is sitting in the back row of the Benches. I know him of old. In fact, I have known him for a very long time. Inside his head is someone who would vote for better animal protection. However, he is squirming because he knows that he would be in big trouble should he not follow the diktat of his party Whip tonight.

A great deal of nonsense has been spoken here tonight. It was suggested that hare coursing is a traditional rural pastime that must be protected at all costs, but, as has been pointed out, so were bear-baiting, cockfighting and badger-baiting. Any reasonable person would find those so-called sports totally unacceptable today. I asked Mr Bell the Member for Strangford where he would have stood on those issues. He stated that we would have voted in favour of banning them because they were no longer acceptable.

There must be some test of public opinion. What do the public in Northern Ireland consider to be an acceptable sport as opposed to a cruel one? At present, the vast majority of the public in Northern Ireland consider fishing to be an acceptable sport. However, no thin end of the wedge argument applies in this instance. None of the Members who spoke here tonight in favour of a ban on park hare coursing remotely suggested that normal, legitimate field sports should be touched. A couple of centuries ago, someone could have said that badger-baiting could not be banned because that would have been the thin end of the wedge.

However, that is nonsense, because certain activities clearly cross the threshold of acceptability. If a cat were raced down the enclosed space at Crebilly and hounded by two greyhounds, would that be acceptable? No, it would not, and it is not acceptable for a hare to be treated in that way. The test is whether people would allow their domestic pet to be treated in that way, and the answer to that question would be an emphatic no.

I accept that I have been too hot-headed tonight, and perhaps I have made mistakes at times. However, I and one other Member who is here tonight have watched hare coursing. I have seen

exactly what happens, and it was a very nasty experience. On Christmas Day 1982, bookies and hundreds of people were lined up along the course at Crebilly. The First Minister, Peter Robinson, the late Henry Dunleath and I were also there. To my dying day, I will remember the agonised cries of hares being ripped to pieces on that course as people cheered and took bets on the fate of the animals. No one can tell me that, in the twenty-first century, it is an acceptable sport. People may say that there have been changes. However, those changes were enforced by the Irish Coursing Club through gritted teeth, and it had to be pulled through the hedges to implement them. That club had no intention of making those changes until public opinion forced it to do so.

I accept that, as a result of those changes, far fewer hares are killed. However, I am not making this an argument about the population or conservation of the Irish hare. Whether or not there is coursing in this part of the United Kingdom or in the Republic of Ireland, it will make no difference to the overall population of the Irish hare. That is not the issue. It is a moral issue. Is it right for hundreds of people to watch the torture of an animal? That is the question that Members have to ask themselves.

7.45 pm

One of the roles of the Minister is not only to protect and conserve wildlife but to increase public appreciation of wildlife and to educate the public on the importance of our native flora and fauna. How can he do that and, at the same time, authorise the grotesque spectre of a sentient creature being pursued by two greyhounds down a 100-yard course in front of a large crowd? No one can square that with me. It is simply not creating an appreciation of our wildlife and the nurture of it.

I know exactly where I will be going as far as this debate is concerned. I urge everyone not to vote on the basis of instructions from a party Whip but to vote on the basis of their conscience. When Members go to bed tonight, they will have to ask themselves whether they walked through the Lobby with a clear conscience or whether they were terrorised into doing so by a Whip who would make it absolutely clear that there would be no positions whatsoever —

Mr Poots: Dessie Ward.

Mr Wells: Look at what happened to Dessie Ward when he stepped out of line. However, they do not have to look to their own party for an example. They need only look at what happened to poor Declan O'Loan when he dared to step out of line. I have heard of blood sports, but being brought before Margaret Ritchie is perhaps more terrifying than being brought before the greyhounds. Declan O'Loan was stripped of his office and humiliated in public. And where is poor Declan now?

Mr Molloy: Does the Member accept that that has happened to some people and they have survived and are still here today?

Mr Wells: Mr Molloy, you survived, but only just. You were publicly humiliated because you dared to suggest that certain aspects of RPA were OK. As it happened, that was done totally in vain, because the whole thing was torpedoed anyhow. You took all that pain for no gain.

We have seen what happened to an errant Back-Bencher who dared to step out of line with the SDLP, which is supposed to be the moderate nationalist party. Therefore, what on earth would happen if a Back-Bencher was to step out of line on hare coursing tonight? It would be very painful indeed —

Mr O'Dowd: They would be forced to listen to one of your speeches.

Mr Wells: That would be too much of a torture.

That leads me to ask another fundamental question: where is the SDLP this evening? Where has the SDLP been throughout the entire debate? Where is that sleeping giant? Perhaps giant is too much to say and I should say party. We have sat here all day and listened to contributions from the DUP, Sinn Féin, the Ulster Unionists, the Green Party and the Alliance Party. However, the SDLP has been very noticeable by its absence. I accept that its Members have made a few interjections, but where are the big guns, or what is left of the big guns?

Mr Kennedy: It occurs to me that they may be running with the hare and hunting with the hounds.

Mr McGlone: We are keeping the best till last, Jim.

Mr Wells: I take it then that the Member for Mid Ulster will be contributing to this important debate.

Mr Kennedy: No, but he is going to vote on it.

Mr Wells: It strikes me as strange that a party that purports to represent rural communities, particularly those west of the Bann, has not said anything. I suspect that, as the Member for Newry and Armagh implied, the SDLP wants to have its cake and eat it. Its Members want to sit in the Chamber and vote for things that they know their community will accept, and vice versa.

Mr McGlone: My name is not Jim Wells. We will make our position very clear later.

Mr Wells: Let me make it absolutely clear to the Member that I am totally consistent. I am against snares and against hare coursing. You will not catch me in the duplicity —

Mr McGlone: Where are you on ASSIs, Jim?

Mr Wells: I am in favour of ASSIs and am against a bungalow blitz. I am absolutely consistent in my environmental credentials in the party and the Assembly. I am still pulling the knives out from my chest and my back as a result of that. I assure you —

Mr McGlone: Are you anti-country sports?

Mr Deputy Speaker: Order. This is a debate, and all Members should be included in it. This little interlude between two Members should not go any further. Mr Wells, have you completed your speech?

Mr Wells: Certainly not, Mr Deputy Speaker. Having a free vote in the Chamber is a once-in-a-lifetime experience. On Saturday, I will have been a Member for 16 years, and in all that time, I have never had a free vote in the Chamber. Therefore, I assure you, Mr Deputy Speaker, that I am going to enjoy this opportunity. It is a very long time since I have had an unlimited opportunity to speak, so I am really going to go to town. As I said, we are going to be here until midnight anyhow.

Let us move on to the issue of snaring. I am going to be consistent and say that I still have grave reservations about the use of snares for the capture of wild animals. I need to explain that, because some Members, particularly Mr McKay, seem to be a bit confused about what we are talking about.

There are several types of snares. There is the self-locking snare, which is banned. That involves a wire going round the neck of the

animal, which tightens as the animal struggles. The animal then suffocates or experiences horrific injury. Those snares were banned under the Wildlife (Northern Ireland) Order 1985, and they will be banned under the new legislation.

The second type is the free-running snare, which has a stop on it. Technically, the snare should shut around the animal's neck but only tightly enough to hold it. The gamekeeper should then find the animal and, if it is a protected species or a domestic animal, remove it from the snare relatively undamaged and let it go. If the animal is a fox or a mink, for example, it is knocked on the head and killed.

If that is what is going on in the countryside at present, very few people could object. However, the League Against Cruel Sports provided us with evidence, even for areas such as the Ards Peninsula and Fivemiletown — I will not name the actual locations — of numerous examples of snares that do not have stops on them, which means that they lock around an animal's neck, or snares that clearly have not been checked for 24 months never mind 24 hours. I have seen a picture of a fox's skeleton in a snare, so it was obviously never checked.

There are also examples of snares being placed at a height where an animal gets caught in it, falls back and is strangled. There are examples of weights being attached to loose snares so that an animal gets a snare around its neck and has to trail the weight around. That is the problem. Despite all the assurances that various Members have given us about how wisely snares are used, in reality, an awful lot of extremely nasty stuff is happening.

I spend an awful lot of time walking in the hills because of my interest in birds of prey, and I regularly come across animals that are trapped in snares that have never been checked. I come across the rotting corpses of animals such as badgers and sometimes even domestic pets, and it is quite clear that nobody has bothered to check the snares for weeks or months. As a result, the animal has either died through strangulation or its neck has almost been cut in two. That is what happens to the lucky ones, but the others are kept trapped with no water or food for day upon day and die of starvation or exposure as a result. That is what is going on, and, unfortunately, it is happening in respectable and well-managed estates and farms where very little effort is made.

I will listen to the Minister with interest. If he can convince me that the proposals will lead to a radical change, that snares will be regularly visited, that protected animals and domestic pets will be released and that the animals caught in the snares and that are classed as vermin will be quickly dispatched, that is a different issue. However, I still have great difficulties with what is being suggested, because, far too often, I have come across the suffering that snares cause. If, as a result of the registration and the training and of what effectively seems to be a licensing system, we get a major change in the attitude to snares, it will be great news for all concerned.

I am concerned about people saying that there is no alternative, because the Larsen trap, which has been mentioned, has been a major conservation success story. Before the Larsen trap reached production, there was what was called the pole trap. Metal jaws were placed on top of a pole in the middle of a field, a bird of prey landed on it, its foot was caught in the trap, and it dangled until it died. That is a very cruel way to die. People said that there was no alternative. Then the Larsen trap was introduced. I am sure that you have seen it in action. It is a cage where the bird sits on top, the roof opens up, and the bird falls in and flies around. Someone then comes along and inspects the trap. If the species is protected, such as a buzzard or sparrowhawk, it is released; if it is a grey crow or a magpie, it is dispatched.

People said for years that that would never work. The Larsen trap has had enormous benefits not only for gamekeeping, but for nature conservation, because under the old system, a pole trap simply killed anything. It was totally indiscriminate, and if a bird was found in one, it was so badly damaged that nothing could be done, and it had to be killed. Hopefully, with the reputable gamekeeping that is practised in Northern Ireland, if something which is protected is found in a Larsen trap, the cage door is opened and it is thrown out back into the wild.

One reason, we believe, why the buzzard population throughout the United Kingdom, and, indeed, the Irish Republic, has increased dramatically has been the move towards the Larsen trap. With a bit of ingenuity, therefore, and maybe a bit of funding from the Department, alternatives can be found. If a realistic alternative is found, we should move rapidly away from snaring, because snaring is so indiscriminate in what it kills. An

awful lot of badgers, in particular, die as a result of snaring.

I will listen to the Minister's arguments and those of other Members. However, at least I am consistent. How can anyone say that hare coursing is not cruel and snaring is cruel? That is totally wrong. It strikes me as wanting to have your cake and eat it. The difference is, of course, that Sinn Féin and its supporters support hare coursing and do not support snaring. It is as simple as that. They see on what side their bread is buttered in terms of votes.

The Minister of the Environment: I appreciate what the Member says about traps as opposed to snares. Will the Member take into account and give some appreciation to the fact that a lot of the terrain where animals are being caught is particularly rough and not suitable for vehicles, and it would just be impossible for a gamekeeper physically to carry numerous traps around to set the numbers to meet the scale of what would be required?

Mr Wells: Whether or not that statement is correct, and whether or not it is viable to carry around small traps, the Department should initiate pilot projects to find alternatives. The Larsen trap is normally quite big, about 5ft by 4ft. Therefore, it would be totally impracticable to use that. However, small traps are already available —

The Minister of the Environment: I know that the Member engages in hill walking, but when he goes on some of those hill walks how many of those 5ft by 4ft cages would he like to carry up the hills on his back?

Mr Wells: The honourable Member misunderstood me. I am saying that it would not be practicable to take a Larsen trap up into those conditions. However, a smaller trap that would catch something the size of a fox or a mink is much more portable. The Department should investigate the other options. I am sure that, with a bit of thought and a pilot project to experiment to find out what the other options are, we can find a system that achieves what we all want. No one in the Assembly is saying that foxes should not be killed —

Dr Farry: I am slightly concerned that the Minister's argument may be somewhat disingenuous. If the purpose of snares or traps is to protect and manage land, surely their use will be much more on lowlands or suitable farmland, rather than

on hills or rough vegetation, where the need for regulation will surely be much less.

Mr Wells: Certainly this is more viable in a lowland situation —

The Minister of the Environment: I am surprised at the ignorance demonstrated, which is the unfortunate aspect of this debate. A lot of ground nesting birds nest in the uplands. When I talked earlier about Glenwhirry, I should have explained that it is north of Doagh in the Larne to Ballymena direction. It is very high ground. That is where they used snares to take out the 600 foxes. As a consequence, we have more snipe, curlew, lapwing and hares.

If people want to destroy Northern Ireland's biodiversity, they should take the route proposed by well-meaning people who do not understand the facts and have not done enough work to ascertain the facts.

Mr Wells: I have been put in my place.

8.00 pm

Mr McGlone: Let me pick up on what the Minister has said. I received a phone call this morning from a conservation group based outside Cookstown. Its members have released red grouse into the lands in the mountains outside Cookstown, and they regularly bring groups of youngsters and school kids to see them. They do not shoot the grouse, but they have a shooting club in a lowland area. Their major concern is how to protect the grouse that they have released, if they cannot use some form of entrapment such as snares or if, God forbid, Mr Wells's proposal to designate ASSIs as areas where there will be no shooting is adopted. That is a major concern for the group. You may shake your head, Jim, but it is an issue for people out there.

That conservation group worked actively with the Department when I was Chairperson of the Environment Committee. Mr Ian McCrea will recall that the Committee went on a visit to Teal Lough and liaised with the members of the group — Mr McCrea and I know them as constituents — who are engaged in active conservation work with the Department in breeding and releasing red grouse into lands up above Teal Lough in a mountainous area outside Cookstown. The group's major concern is that the proposals before Members today will not

only inhibit what it is trying to do but completely eradicate its good work in conservation.

Mr Wells: It may be 10.00 pm before we get around to that matter, but I reassure the Member that it is based on an absolute misunderstanding of what is proposed. There are no plans to ban shooting in ASSIs. That was made clear earlier. It is a total misunderstanding, and it will be clarified when we get to that debate.

Let us be clear: some people who are watching this debate on the Internet or who will read the Hansard report will think that we do not want shooters, gamekeepers or country sports. No one in the Assembly is suggesting for a moment that foxes do not have to be controlled. Of course they must. I keep free range chickens, and I can confirm what Mr Beggs has said. I have had the heartache of finding my entire stock killed by foxes.

This is not an argument about whether there are certain predators that have to be controlled; there definitely are such predators. However, let us make every effort to ensure that the way we do so is as humane as possible and that we do not go down Mr Bell's line that it is the least worst option. Let us try to find a better option. Let us use science and technology to find ways to control foxes, mink and grey squirrels while inflicting the least pain. That is all I am saying. Let us at least ensure that, if there are new rules and regulations on snares, they are obeyed. It is the lack of obedience to the rules on snares that causes suffering.

Mr I McCrea: I thank the Member for giving way. He is asking for new scientific models for dealing with this in future. He has described the difficulty he has had with his own free range stock. I and other Members want to know how he proposes we deal with that issue today and after this Bill becomes law.

Mr Wells: I suggest that the Department initiates pilot studies on estates in Northern Ireland, in conjunction with the respectable organisations that represent shooting and conservation, to find new ways of controlling predators in the most humane way possible. That is all I suggest, and it is reasonable. However, if we fall back on snares for ever and a day, we will not have the impetus to move forward and find those better methods.

I am consistent on this issue; Sinn Féin is not. I leave Members with this thought: I urge them

to examine their conscience and to go home tonight with a clear conscience, so that they can say that they have done what is best for animal welfare in Northern Ireland. If they ask themselves that question, they will not vote for park hare coursing tonight. Their block vote, whipped into action, may be the difference between ending this barbaric practice and not doing so.

Mr B Wilson: I support the banning of snares and hare coursing. I will start with snares, which we have talked about quite a lot. I have no doubt that snares are cruel and barbaric. We do not want to have to use them, and we should look for an alternative. The major indictment of the snare is the fact that it is indiscriminate. It does not attack only what people want to catch; it catches other animals as well. For example, the Scottish Society for the Prevention of Cruelty to Animals released a report on snaring in 2007, which showed that 269 animals had been caught. Only 23 of them were targets, 17% were companion animals and 12% were European protected species.

The objective of snares is to stop vermin or foxes, but their use stops virtually everything else as well. What concerns me is the indiscriminate nature of the device. There are different types of snare: self-locking and legal free-running ones. They can cause severe chest, leg and head injuries to animals. We have seen situations in which animals have had to bite their own leg off to try to get out of a snare.

Mr Wells pointed out that those snares are quite often left for a long time. In theory, snares should be regularly monitored but, in practice, there are records of animals being left in snares for perhaps months. They die of starvation. Think of an animal caught in a snare, trying to get away and dying a long, languishing death because the snares were not properly monitored. That is the issue.

The British Association for Shooting and Conservation refers to rules and regulations that should apply to snares. If those were adhered to, we may feel that there could be some justification for using them. However, the snares that are often used are not operated according to regulations; they are broken or rusty. They are supposed to have permanent stops, which in many cases do not work. If they do not have those stops, they strangle the

animal. In theory, snares are inspected on a regular basis, but in practice they are not.

We have to look at how we control wildlife. There are particular problems for farmers. The Ulster Farmers' Union was initially reluctant to put evidence forward on this legislation.

Mr Beggs: Does the Member accept that that might be because the farming community may not use snaring technology? It may be the professional gamekeepers, such as those at Glenwhirry, who use them. Nevertheless, the farming community will benefit because 600 fewer foxes are roaming the Antrim hills.

Mr B Wilson: I accept that. I was going to make that point in another form. It is not the farming community that has the problem; it is the gamekeepers who look after the shooting areas. Farmers currently do not use snares on an extensive basis. Snares are not used that widely. The suggestion is that it would be disastrous for every farmer if they were not allowed to use snares; however, a very small percentage of farmers uses snares. If snares were banned and the will was there, we could find alternatives. Those that we talked about have not been implemented because they are more expensive. It is a matter of cost not principle. If forced to do so, people can devise another implement, but, if they can get a cheap snare, why bother? That is the issue.

Snares are barbaric, cruel and indiscriminate. I would like to hear anybody who found their cat caught in a snare say that they supported their use. I have seen photographs of cats that have been stuck in snares for about a week dying a horrific death. Any Member who had witnessed that would probably consider finding some alternative to snares. It is honourable of the Minister to propose amendments to minimise the impact of snares, and we could further develop such an approach. On the other hand, the only way to resolve the problem and to stop the suffering is by imposing a total ban.

I welcome amendment No 26 on hare coursing. Mr Molloy may be aware that I am drafting a hunting Bill that will include provisions on fox hunting and deer hunting. Consultation on my Bill has been completed, and it should be introduced to the House in early autumn. I have been involved in opposition to hare coursing since the 1970s or perhaps earlier. Mr Wells referred to Bertie McConnell, who introduced legislation in the old Northern Ireland Parliament

to abolish hare coursing. I was involved with Bertie in those days, as we felt that the issue was important. His Bill was passed unanimously by the old Northern Ireland Commons but was thrown out by the Senate. Stormont was later prorogued, and the Bill never became law. The feeling of the old Northern Ireland Parliament 40 years ago was that hare coursing was a barbaric sport that we should end. Mr Wells also referred to Henry Dunleath, whose Bills were also passed, but the respective Assemblies were prorogued before the legislation could be implemented.

Dr Farry: The Member referred to the stance taken by Henry Dunleath. Does the Member agree that Lord Dunleath's background gives the lie to the allegation that hare coursing is a town versus country issue, in that some people with a country perspective are strong on conservation?

Mr B Wilson: Yes. Henry was very much a country person, but he was obviously very aware of such issues, about which he felt as strongly as anybody else. Hare coursing is not a country versus urban issue; it is a humanitarian issue. That is what we are concerned about. Tonight, I am worried that we are moving backwards, because the old Assemblies and the old Northern Ireland Parliament of 20, 30 or more years ago unanimously favoured such legislation. We now seem to be moving away from introducing such legislation. In the 1980s, every Boxing Day morning, I used to go to Crebilly to protest, and I heard the roar of the crowd as hares were being torn apart. It was totally barbaric and nauseating. I do not want that to happen again.

8.15 pm

I do not understand the economic argument that there would be an impact on the rural economy. As far as I am aware, for the past eight years, there has been no hare coursing, so what impact would banning it have on the rural economy? There is no problem with greyhound racing, which can continue. If events are taking place that no one knows about, how can they attract much of a crowd? If they are taking place, I would be interested to know. I do not accept that the legislation would impact on employment in rural communities. In England, the same argument was made about the Hunting Act 2004, where there was talk about all the jobs that would be lost in the

countryside. In practice, as far as I am aware, not a single job has been lost.

The old Northern Ireland Parliament and the Assembly during the previous mandate were against hare coursing. Therefore, like bear-baiting and cockfighting, we should put the matter to bed for life and say no to any more hare coursing.

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. The debate has rolled on, and we still have a way to go, so I will try to shorten what I was going to say. I want to cover a couple of points that people have argued about to and fro for a considerable time, without coming near to a result, other than what I heard this morning.

Snares probably could be described as barbaric. They can be indiscriminate. It was said that farmers often lay snares. However, I do not think that farmers lay them in great numbers. It is more the shooting fraternity attempting to protect wildfowl stocks. That is understandable, but there is also a question about controlling the checking of snares. Do people bother to check snares, or are they simply laid and forgotten about? For the most part, I imagine that people do not even remember where they put them. Those are the difficulties. Young people might be involved, and they simply would not know where they left them. They might lay a number of snares, and that is it. It may be as bad as that. Badgers are also caught in snares, and hunting dogs can easily get caught up in them, which is not a great result. Other than that, I am not sure.

Obviously, the Minister is not against people using snares as a method of controlling such areas. When I pointed out to him that grey crows are protected, I was alluding to the fact that, if people are not interested in shooting them, they will wipe out a lot of stock. They can eat a phenomenal amount of food, which is also the case with magpies. No amount of birds' nests or eggs would do them; they are very damaging in the countryside. Like vultures, they are also scavengers. They hunt the roads for animals and birds that have been killed by cars, often at night. As a driver, I find it difficult to understand why people have to drive over everything that is on the road, just because they have a right to drive. It seems to be that way. Quite a lot of badgers and foxes are killed on the roads, and that, in itself, is a considerable control measure. We need only count the numbers that are killed,

although the bodies do not last long because of grey crows and other scavengers. Nevertheless, that is a control measure that did not exist in the past.

Laying poison bait is a dangerous and horrific practice. It is also indiscriminate: red kites and other birds of prey end up being caught up in that. I suppose that it is directed towards mink or foxes, but it is an indiscriminate control that is not much regulated, and yet it continues. I never understand it. Shooting clubs and others should at least discourage people from the practice.

We need balance. Mr Wells and my friend over here are fighting a lonely corner. It is quite difficult to take on almost everybody else. As I said earlier, however, it is important to listen to their arguments. The fact that they have been made in such a way this evening will change minds over time. The Members may think that they are fighting a losing battle, but perhaps people are listening to the debate. It could, however, be like the World Cup: people could get fed up with it.

Most foxes and badgers are probably killed on the roads. The balance in the countryside is against the endangered species of birds because of their natural predators. That is the way that things happen. It is not so much shooters or anyone else. Quite a lot of the damage is done by elements that should not be there — for example, the mink, which was introduced from the United States. They are now a prevalent and destructive force. They will kill everything, even fish. They will kill dozens of them for the sake of killing. They are so brazen as they go about their business that they just stare people in the face.

There was a recent incident in which a fox tried to attack a child in an urban setting. That was the way that it was reported in the papers, but the fox was probably trying to take the child away. Bins were their previous food source, but bins now have lids. Much of what happens is about food sources. Many foxes are not being fed in the countryside because of changed practices, but nobody shoots them in urban settings.

Amendment Nos 21, 22 and 23 may well be pressed. I am against them entirely because they are not about the protection of flora and fauna or the environment; they are about outlawing gun shooting altogether. Much of Fermanagh is covered by areas of special

scientific interest, so anyone who tries to shoot in the few areas that remain would have to cross a considerable number of ASSIs. The amendments refer to the “disturbance” of flora and fauna, but what does “disturbance” mean? Does it mean walking on the ground? Prohibition of any human activity in an ASSI is also mentioned in the amendments.

Mr Wells: On a point of order, Mr Deputy Speaker. I was punished earlier for drifting into the next set of amendments. The honourable Member for Fermanagh and South Tyrone is doing exactly the same thing.

Mr Deputy Speaker: Thank you for that point of order, Mr Wells. You pre-empted me. Obviously, you are wearing your hat as a previous Deputy Speaker. ASSIs will be debated later. I ask you, Mr McHugh, to refer to the matter at hand only.

Mr McHugh: I take the point. My problem is that segregating the two issues affects what I am trying to say.

Areas that are covered by ASSIs would create a lot of difficulty for people trying to undertake normal countryside practices, hunting or whatever. I was trying to explain that it is about a total ban on shooting or using guns in the countryside rather than the protection of the countryside.

Someone mentioned marsh cowboys, and that could be considered as getting off the loose. Those involved in shooting clubs should control such people. People who are not in clubs are very destructive to the bird life in the countryside. They go out in numbers from urban situations, and they have no concept of the countryside. They will fire 10 or 15 shots to get one kill or maybe kill nothing at all. I have seen it happening close to my land. It is important that people involved in clubs try to get a message across about some sort of responsibility in the countryside regarding any aspect of what we have argued about here today. It must be done by those who have an interest in it. In many instances, that is not happening. A blitz on all fowl on the first day of shooting is also something that needs to be thought about, rather than what happens year after year. That aspect has not been mentioned by anyone.

There is a divided argument about hare coursing. Someone made the point about using cats. They are certainly plentiful, but they would be much too slow for that. I do take the point

that hares caught in this way suffer fear, and the question is whether that is morally acceptable. That is for a lot of individuals to consider. Those involved in the practice probably walked into it like many people who are strongly involved in some of the countryside practices, and they are not in a position to change. It is almost like alcoholism: people get addicted to the practice and either do not see anything wrong with it or cannot make the change. The argument going on across the Floor is about trying to change people’s minds and trying to look at the argument from all directions.

I support some of the arguments about conservation in relation to the anti-countryside practices, such as the use of guns and dogs and all that sort of thing. Hunting in other ways is lessening and is less of an issue, although it has been made into an issue here in the way in which the debate has gone. I will leave the rest until later.

The Minister of the Environment: Due to the late tabling of amendment Nos 26, 49 and 50 by Mr Beggs, I have not been able to agree a position with the Executive. Therefore, I cannot make any comment.

On the other issues, I will begin by responding on the issue of snares. The Chairperson of the Environment Committee has recommended that the use of snares should be banned altogether. Although I have considerable empathy with that position and it was probably my starting position as well, as I have investigated the issues and given them proper consideration, I have moved from that position. It is important for countryside management practices, such as farming, game management and the effective control of pest species, and, therefore, we need the suite of tools that is available. The Ulster Farmers’ Union responded and said that there is extensive use of snares in areas such as south Tyrone, Fermanagh, south Londonderry and Armagh.

Mr Wells referred to the cages. I have seen the cages, and I have seen the magpies caught in them. They are also suitable for catching grey-backs. However, if anyone thinks that the cages are suitable for catching foxes, they have something else coming to them.

We are being asked to have some form of pest control or to have no form of pest control. If you move from having a form of pest control to no form of pest control, you leave the door open for all sorts of activity to take place which is not

just equally distasteful but considerably more distasteful and, as a consequence, we will have poor animal welfare. Conjoined with delivering a situation where there is poor animal welfare, there will also be poor predation control and, as a consequence, we will undermine biodiversity in Northern Ireland.

That will mean that there will be no nets or traps to catch the gray back crows, magpies or foxes that damage the eggs of the curlew, the lapwing, the snipe and the red grouse — ground-nesting species that are under threat — and real and significant damage will be done to the populations of those birds. Well meaning as the Members are on this issue, they are putting forward a proposal to move from something to nothing, and that would be hugely damaging.

8.30 pm

I have given the issue serious consideration, and I believe that we need to address the concerns that Members are raising on animal cruelty and animal welfare issues. That is why amendment No 13 to the Bill would give my Department the power to set certain requirements by way of an Order on those who set new snares. That mechanism would allow the Department to set much higher standards on how snares are used and give it the flexibility to update those standards at any time. Therefore, the emotional claptrap that came from Mr McKay in relation to animals having their necks severed by snares does not come into the picture with what is being proposed. We should not be debating the subject in those terms, because it is not relevant to the actuality and reality of what would happen. The standards that I would consider would include requiring all snares to be fitted with ID tags and effective stops to prevent full closure, and the Department would look at a requirement for those who wish to use snares to be trained. It would be an offence not to comply with such requirements, and the mechanism would allow the Department to set much higher standards on how snares are used and give it the flexibility to update those standards at any time.

Amendment No 16 aims to insert a new clause relating to the regulation of spring traps for catching wild animals. Currently, such regulations are contained in the Welfare of Animals Act 1972 and are the responsibility of DARD. Those regulations prohibit the use of spring traps, other than those approved by

DARD, to catch wild animals. As a consequence of the proposals contained in this Bill that relate to snares and the proposals for a new animal welfare Bill, it is proposed that future responsibility for the regulation of spring traps would rest with my Department under the Wildlife (Northern Ireland) Order 1985. That action would ensure uniformity and clarification of approach on those issues for the future. Amendment No 46 is consequential to that and revokes the existing provisions contained in the Welfare of Animals Act 1972.

Amendment No 19 is a new proposal concerning the management of certain species of deer, namely the muntjac and Chinese water deer. Those species are not native to Northern Ireland, and, due to their invasive nature, they pose a significant risk to agricultural interests and biodiversity. If they were to become prevalent, control measures may be required. They are very small in size and, consequently, the existing calibre of firearms and ammunition that anyone can legally use to kill deer are not appropriate for humane dispatch. The amendment will, therefore, allow authorised persons to use a smaller calibre of firearms and ammunition to shoot those species of deer.

Clause 26 of the Bill extends the open season for female deer by one month to assist the management of the wild deer population. During Committee Stage, concerns were expressed that the proposal to allow the open season to start one month earlier, on 1 October, would raise greater welfare concerns. That is due to the potential risks posed to dependent young, rather than allowing the season to end one month later on 31 March. The Committee, therefore, recommended that the open season should run from 1 November until 31 March each year. I am aware that there is consensus among deer management stakeholders that that change is appropriate. Therefore, I agree with that recommendation, and amendment No 20 makes that change.

Amendment Nos 43, 44 and 47 are technical amendments that aim to clarify the status of game species within the ambit of the Wildlife (Northern Ireland) Order 1985. An examination of Part II of that Order found a lack of legal clarity regarding the existing interpretations of game birds and field game. The amendments will expressly clarify that the definition of “wild bird” does not include “game birds” and will clarify that the provisions of the Wildlife

(Northern Ireland) Order 1985 will apply to any field game that is specifically named in any of the schedules to the Order.

The draft Bill proposed to allow the shooting of deer from a vehicle, provided that it was stationary and the engine was turned off. That would have allowed anyone who was involved in deer management to use the vehicle as an elevated and stable vantage point from which to discreetly observe and shoot deer safely and humanely. The Committee for the Environment disagreed with the proposal due to concerns that it could assist people involved in illegal activity, such as poaching. I am also aware that a number of deer stakeholders have similar concerns. Therefore, I propose that the clause should not stand part of the Bill.

Due to the inclusion in the Bill of additional measures relating to the management of game species, it is necessary to ensure that the long title be amended to adequately reflect the Bill's revised scope. Amendment No 51 deals with that.

Most Members have come to the debate with animal welfare at heart, but I appeal to Members to be wholly rational in the choices that they make, because they could undermine animal welfare and Northern Ireland's biodiversity. I encourage Members to accept the Department's proposals because we propose a considerable step forward in animal welfare and in the management of our biodiversity. As a consequence, this can be a very good Bill. If we were to introduce a total ban on the use of snares, we would undermine animal welfare and biodiversity in Northern Ireland, and, as a consequence, we would make this a very poor Bill.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle. As we have heard, the content of the Bill is an area of interest to several Members, who have expressed many varying opinions. It is fair to say that that is a true reflection of the opinions of the general public, representative groups and lobbying organisations.

Members can see why the Committee had such a difficult task in reaching agreement on the clauses that are affected by the issues that have been debated in this group, namely snares, population control and game. Many of the issues are emotive, but, as I said in my opening remarks, it is not for us to make legislation based on emotion. We must look

at the evidence and make balanced decisions that take on board and respect all sides and opinions. We must look at ways of maintaining, protecting and enhancing the North's environment and the animals and plants that live in it, but, as legislators, we must not lose sight of the fact that people also live in it. We need to get that balance right.

I shall refer to Members' comments, and it is good to see that all of them are back after being fed and watered. I am going for some hare now, and, as long as Jim Wells speaks for an hour, I will get a chance to get something to eat.

Mr Weir said that the Committee had to decide on a black-and-white issue. In fact, a choice was made between two suggested amendments, and the Committee decided to support a complete ban. Mr Beggs changed his mind halfway through. He does not want indiscriminate use, and he favours the Minister's amendment. He wants full consultation, and I hope it that that takes place during the summer recess. I assure Mr Beggs that I will not be in; he can deal with that consultation during the summer recess. He noted the need for a ban on hare coursing. The protection of the Irish hare will not prevent other hares from being coursed, so I hope that he is not saying that it is OK for the hybrid hare or the brown hare to be coursed.

Stephen Farry supports the banning of snares and hare coursing, and he commented on the other parties' lack of consistency. He may not know anything about fishing. In angling, the fish are thrown back, but fishermen take them home. My colleague Francie Molloy acknowledged that he is partial to a bit of fish. He is used to brown fish on a Friday.

Jonathan Bell argued that the use of snares is a better alternative for land management, and he is correct. I assure the House that he and I will not be chased around the Chamber by dogs; not at any time. He raised the good point that hare poaching has become the most prolific wildlife crime in England since coursing was banned, and we need to take that on board.

Daithí McKay talked about the banning of snares, but his main point was about the Ulster Farmers' Union, which did not consider it to be a common part of farming practice. Jim Shannon gave us another lively oration. He talked about hare populations increasing where snares have been used, but said that we needed a

mechanism to raise the standards if that is the way that the issue goes today.

Danny Kinahan talked about proper control of snares. Francie Molloy used one of the better lines when he cautioned us against the like-to-be-good-to-everything brigade or, in some cases, the like-to-be-good-to-everything-and-everybody brigade. He is correct. He is also concerned about hare coursing going underground.

As usual, Jim Wells contributed a lot to the debate, but if he takes a break for an hour, I might get a chance to go to get something to eat. He said that it is about an issue of conscience. I suppose that, if you are snared for 16 years and get out, you might have a clear conscience, but it is not for Sinn Féin to examine its conscience on this issue.

Brian Wilson talked about the indiscriminate use of snares and said that he called for hare coursing to be banned 40 years ago. Maybe you will get there at some point, Brian. Gerry McHugh also talked about the indiscriminate use of snares. Finally, the Minister said that if there was no pest control it would leave the door open to worse practices, and he begged the Chamber to support his amendment.

Question, That amendment No 8 be made, put and negatived.

Amendment Nos 9 to 11 not moved.

Mr Wells: On a point of order, Mr Deputy Speaker. What on earth is the sense in us spending three hours debating this issue for the mover of the amendments to not move them? Why did he not at least give us an indication at the start of the debate that he was going to do that?

Mr Deputy Speaker: Thank you for that point of order, Mr Wells, but it is entirely up to the Member whether he wishes to move the amendments.

Amendment No 12 not moved.

Amendment No 13 made: In page 5, line 18, at end insert

“(2F) Any person who—

- (a) uses a snare otherwise than in accordance with such requirements as may be specified in an order made by the Department, or*
- (b) knowingly causes or permits any other person to do so,*

shall be guilty of an offence.” — [The Minister of the Environment (Mr Poots).]

Amendment Nos 14 and 15 not moved.

Clause 10, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 16 made: After clause 10, insert the following new clause

“Spring traps

10A—(1) After Article 12 of the Wildlife Order insert—

‘Spring traps

12A.—(1) Subject to the provisions of this Part, any person who—

(a) for the purpose of killing or taking any wild animal other than one included in Schedule 6, uses or permits the use of any spring trap other than an approved trap or uses or permits the use of an approved trap in circumstances or for wild animals for which it is not approved; or

(b) sells, or exposes or offers for sale, any spring trap other than an approved trap with a view to its being used for a purpose which is unlawful under sub-paragraph (a); or

(c) has in his possession any spring trap for a purpose which is unlawful under this paragraph;

shall be guilty of an offence.

(2) Paragraph (1) does not apply to traps of any description specified by order of the Department as being adapted solely for the destruction of rats, mice or other small ground vermin.

(3) In paragraph (1) any reference to an approved trap is a reference to a trap of a type and make for the time being specified by an order of the Department, either generally or subject to conditions as to the circumstances in which or the wild animals for which it may be used, and any reference to the circumstances or wild animals for which a trap is approved shall be construed accordingly.’

(2) In Article 18 of the Wildlife Order (power to grant licences) after paragraph (4) insert—

‘(4A) Article 12A(1)(a) does not apply to anything done for the purpose of enabling a spring trap to be developed or tested with a view to its being approved under Article 12A(3) if it is done under and in accordance with a licence granted by the Department.’” — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

Clauses 11 to 13 ordered to stand part of the Bill.

Clause 14 (Licences under Article 18)

Amendment No 17 proposed: In page 6, line 42 at end insert

“() In paragraph (1), for ‘12(1) and (2)’ substitute ‘12(1)(b) and (c) and 12(2)’.” — [The Chairperson of the Committee for the Environment (Mr Boylan).]

Question put and negatived.

Mr Deputy Speaker: I will not call amendment No 18, as amendment No 17 was not made.

Clause 14 ordered to stand part of the Bill.

Clause 15 (Discharging firearms, etc. from vehicle)

Mr Deputy Speaker: No amendments have been tabled to clause 15, and the Minister’s opposition has already been debated.

Question, That the clause stand part of the Bill, put and negatived.

Clause 15 disagreed to.

New Clause

Amendment No 19 made: After clause 15, insert the following new clause

“Shooting of certain deer

15A. In Article 20 of the Wildlife Order (exceptions to Articles 12 and 19) after paragraph (8) insert—

‘(8A) An authorised person shall not be guilty of an offence under Article 19(3)(a) if he uses for the purpose of taking or killing or injuring any Chinese water deer (*hydropotes inermis*) or muntjac deer (*muntiacus reevesi*)—

(a) a rifle having a calibre of not less than .220 inches and a muzzle energy of not less than 1,000 foot pounds (1,356 joules); and

(b) a soft-nosed or hollow-nosed bullet weighing not less than 50 grains (3.24 grammes).” — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

Clauses 16 to 25 ordered to stand part of the Bill.

Clause 26 (Reduction in close seasons for female deer)

Amendment No 20 made: In page 15, line 9, leave out from “for” to end of line 10 and insert

“for ‘1st March’ in each of the three places where it occurs substitute ‘1st April’.” — [The Minister of the Environment (Mr Poots).]

Clause 26, as amended, ordered to stand part of the Bill.

New Clause

Mr Deputy Speaker: We now come to the fourth group of amendments for debate. With amendment No 21, it will be convenient to debate amendment Nos 22 to 24. The amendments deal with enhancing protection for ASSIs.

Mr Weir: I beg to move amendment No 21: After clause 26, insert the following new clause

“Management agreements

26A. In Article 34 of the Environment Order (management agreements) for paragraph (1) substitute—

‘(1) The Department may, for the purposes of conserving those flora, fauna or geological or physiographical features of an ASSI, enter into an agreement “management agreement” with the owners and occupiers of any land included in an ASSI (or of any other land).’”

The following amendments stood on the Marshalled List:

No 22: After clause 26, insert the following new clause

“Public body: duties in relation to authorising operations

26B. In Article 40 of the Environment Order for paragraph (7) substitute—

‘(7) On issuing the permission, the body shall include sufficient conditions as to ensure that—

(a) the operations are carried out by the applicant in such a way as to give rise to as little damage as is reasonably practicable in all the circumstances to the flora, fauna or geological, physiographical or other features by reason of which the ASSI is of special scientific interest (taking account, in particular, of any such advice as is referred to in paragraph (5)(b)); and

(b) the site will be restored to its former condition by the applicant, so far as is reasonably practicable, if any such damage does occur.’” — [Mr Weir.]

No 23: After clause 26, insert the following new clause

“Power to make byelaws for ASSI

26C.—(1) Article 45 of the Environment Order (Power to make byelaws for ASSI) is amended as follows.

(2) In paragraph (2) in sub-paragraph (c) after ‘fires’ insert—

‘, or the doing of anything likely to cause a fire,’

(3) In paragraph (2) after sub-paragraph (e) insert—

(f) prohibit or restrict the killing, taking, molesting or disturbance of living creatures of any description in the ASSI, the taking, destruction or disturbance of eggs, larvae or other immature stage, of any such creature, the taking of, or interference with, vegetation of any description in the ASSI, or the doing of anything therein which will interfere with the soil or damage any object in the ASSI;

(g) prohibit or restrict the shooting of birds or of birds of any description within such area surrounding or adjoining the ASSI (whether the area be of land or of sea) as is requisite for the protection of the ASSI;

(h) include provisions prohibiting the depositing of rubbish and the leaving of litter.’” — [Mr Weir.]

No 24: After clause 30, insert the following new clause

“Statutory charges

30A. In Article 50 of the Environment Order (statutory charges), in sub-paragraph (b) after ‘2002’ insert—

‘any variation under 29(1) of that Order, any additional under 30(1) of that Order, any denotification under 31(1) of that Order.’” — [Mr Weir.]

Mr Weir: As the hour is fairly late, I will keep my comments extremely brief. There are four amendments in the group, three of which are fairly minor and uncontroversial. One amendment has created a degree of controversy. I will deal with it last.

With Members’ indulgence, I will try to make my contribution fairly brief, and, hopefully, it will be over fairly quickly. I will begin by taking the House through the three uncontroversial amendments. Amendment No 21 deals with the management agreements. All those relate to pre-existing positions. There are already provisions for management agreements. The only effect of amendment No 21 is that it clarifies the reference to the purpose of the management agreements. The key word is “agreement”. Nothing can be done without agreement between the landowner and government in that regard.

Amendment No 22 deals with the notification duties of public bodies. That is a slight change to what is in the Bill. It requires a public body to notify the requisite team if it is carrying out operations in ASSIs. I do not think that that is particularly controversial.

I will come back to amendment No 23.

Amendment No 24 is a small variation on what is in the Bill. It ensures that relevant information on ASSIs is included in any land registry issues. There should not be any controversy around those three amendments.

There has been a degree of confusion and misunderstanding around amendment No 23. It was never the intention to ban people from shooting or to restrict them from doing so, and it was envisaged that the clause would be very rarely used. A lot of genuine concerns have been raised about amendment No 23. There is a danger that, despite the fact that the amendment was intended to be limited in its scope, people, unfortunately, are not interpreting it in that way. Consequently, I think that the use of a different form of wording would be a better way to go forward and a better route towards achieving the desired intention. There may be a better way of conveying the intention, but I will yield to the Minister if he wishes to make a comment.

The Minister of the Environment: If the Member is happy for me to do so, I will look at a better form of wording. After consultation with relevant bodies, perhaps we can bring forward something that has widespread support to Further Consideration Stage.

Mr Weir: I am happy to have something that builds greater levels of consensus on the issue. In light of the commitment that the Minister has given, I am happy to indicate that I will not be moving amendment No 23 and that I will withdraw it. I am also happy to indicate that I have faith in whatever proposals the Minister decides to bring forward in the process that he adopts. Consequently, I will support the Minister on any further proposals that he brings forward on this issue, and I will not be reintroducing anything. I hope that that gives a degree of reassurance to Members. I think that the other three amendments are relatively uncontroversial, and, hopefully, the withdrawal of amendment No 23 will expedite the debate.

The Chairperson of the Committee for the Environment: Go raibh maith agat, a LeasCheann Comhairle. At the end of the previous debate, I mentioned an amendment that had been tabled at the last moment on which the Committee did not have an opportunity to reach a position or to undertake any scrutiny. Here we have a suite of amendments that falls into the same category, so some might think that I should sit down and

say no more. If that is what Members think, this is not their day, because I have several concerns about these amendments to which I would like to draw Members' attention, partly from my own perspective, but also to stress the importance of a comprehensive Committee Stage and scrutiny of any amendment.

Amendment No 21 expands article 34 of the Environment Order to specify the purposes of entering into agreement with landowners, not only within areas of special scientific interest, but on any other land. A similar suggestion for an amendment was made to the Committee by one of the stakeholders, and when it was suggested to the Department, the Committee was told that it had the potential to be resource heavy, so the Committee did not pursue it further. In light of the constrained times in which we find ourselves, the Committee is aware of the need to be responsible when scrutinising legislation. It has to establish what is financially feasible as well as environmentally desirable.

In amendment No 22, the term "reasonably practicable" is used. I do not know what that means, and, no doubt, had that proposal been put before the Environment Committee for scrutiny, other members would be seeking to find out what the term means and who would provide guidance on its interpretation.

Those amendments may be worthy, and they may lead to better protection of the countryside and its wildlife, but, in the absence of time for detailed scrutiny to ascertain their full impact, I urge some caution.

Mr Kinahan: I will be brief. The more I read the amendments when they first arrived by e-mail, the more I was irritated by amendment No 23. I am pleased that it has been withdrawn. It was well intentioned, but it caused havoc. Given the number of phone calls that were made as a result, BT shareholders would have done extremely well over the weekend and this morning. It is a lesson that we should never allow amendments that should have been discussed with stakeholders to be tabled at the last moment. Amendments must go through Committee Stage. We should have much tighter regulation on whether amendments can be tabled at the last minute. Amendment No 23 caused havoc over the weekend, but it need not have done. There is much to consider in that amendment, and I look forward to hearing how the Minister will deal with those points.

Mr Wells: The Member has spoken some great words of wisdom tonight, and I appreciate his comments. Members of the Environment Committee have the luxury of tabling and scrutinising amendments. The difficulty is that those of us who are not members of that Committee receive the relevant documents at a late stage, and it is a mad rush to get amendments in on time. In this case, we received the documents at 9.30 am last Thursday. Given that the debate was to be held today, that, unfortunately, did not give outside bodies much time for scrutiny.

The Committee on Procedures should consider that situation. I accept that the amendment created havoc. It had no hidden subtext and did not intend to do anything to restrict shooting — legitimate shooting, I emphasise — but I can understand where the Member is coming from. We must look at our procedures in the long term. MLAs who are not members of particular Committees should be allowed to table amendments a good week or two before they come before the House. That would give everyone a chance to clarify issues and prevent the misunderstandings that clearly arose in this case.

Mr Kinahan: I thank the Member. We should take that on board. Perhaps we need to get better within parties at telling one another what we are doing in our respective Committees.

Mr McFarland: In light of Mr Kinahan and Mr Wells's comments, is there a case for the amendments in question to be referred back to the Committee and tabled again at Further Consideration Stage?

Mr Kinahan: I will leave that decision to the system. There is nothing in amendment Nos 21, 22 and 24 that cannot be supported. We should let them go ahead.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I thank you, Deputy Speaker, and all the Members who gave their time today. I concur with the Chairperson of the Environment Committee on the issue of amendment Nos 21 and 22. They were sprung on us and require much more deliberation and consideration before we can move them on any further. We may not be privy to the full extent of the ramifications of those amendments or to the considerations and concerns that may exist, especially among the farming community and rural dwellers.

That brings me to amendment No 23. The debate has been informative and informed, and I appreciate the contributions that Members have made. The Wildlife and Natural Environment Bill is important legislation. I compliment the members of the Environment Committee, the Committee staff and the Department's officials on their efforts, and I compliment the Minister on his pragmatic approach this evening. He listened to the issues that arose and to the true voice of the rural community.

I must explain where I am coming from. I have been attacked by Mr Wells during debates on many other issues, not least for being an advocate for rural issues and for the right of people to live in a measured environment in the communities from which they come.

9.00 pm

In case any of you are unaware of the implications of this amendment, I will read it:

*“In paragraph (2) after sub-paragraph (e) insert—
(f) prohibit or restrict the killing, taking, molesting or disturbance of living creatures of any description in the ASSI ...*

(g) prohibit or restrict the shooting of birds or of birds of any description within such area surrounding or adjoining the ASSI ”.

Mr Kennedy: It has been withdrawn.

Mr McGlone: I am aware that it has been withdrawn, but I have been asked by representative groups —

Mr Weir: Will the Member give way?

Mr McGlone: Sorry, Peter, I have only just started.

I have been asked by those people to come here and articulate their views. They are deeply concerned that what is happening is the thin end of the wedge and that an anti-rural agenda is being driven through the Assembly. In fact, a very distraught man stopped me the other day and handed me a membership card from a hunt club dated 1912-13, which is part of his heritage in Ballinderry, and he said to me: “Patsy, don’t these people understand?” That was last week, prior to hearing about the amendments. He went on to say: “they will be coming after our shooting next.”

As a young lad, I went to Lough Neagh, which, coincidentally, is an ASSI. I was brought up on the shores of Lough Neagh. I was reared beside the banks of the River Moyola. Every 1

September morning, which is, for those who do not know, the first morning of the shooting season, I went with my uncle, God rest him, to Lough Neagh. It is part of a rural tradition and is seen by many as their right. As Mr Wells outlined earlier, he is consistent in his support for country sports. I do not see how you could be ever consistent in your support for country sports and introduce an amendment such as this, an amendment that prohibits or restricts the shooting of birds over ASSIs and lands adjoining them.

Mr Weir: Will the Member give way?

Mr McGlone: Yes, I will give way now.

Mr Weir: That is part of the misunderstanding. I appreciate that there has been a degree of misunderstanding, and that is why we are withdrawing the amendment. It is not about prohibiting those activities; it is about creating the power to introduce by-laws that can, under certain circumstances, be brought into force. For example, because the Bill amends previous legislation, one provision would be a requirement for the consent of the landowner to bring anything in. I am not going to get into the detail of it, and I can understand why people may have misunderstood it, but that is not the intention of the amendment, so you should not quote it out of context.

It is a fair point that we need to look at our procedures and the length of time allowed for amendments to be tabled. There are no problems with amendment Nos 21, 22 and 24, but after this stage there will be a Further Consideration Stage, which will happen in the autumn. If there is any complication whatsoever with any of the amendments or, indeed, any other part of the Bill, that has not yet been realised, there is an opportunity to table further amendments. I urge people not to throw the baby out with the bath water. Do not throw out reasonable amendments, which are not particularly major in their scope, simply because some of the detail has not been grasped. However, if people have concerns, there is a further opportunity to change the legislation at Further Consideration Stage.

Mr Wells: There is an old adage in the media: do not let the facts get in the way of a good story. If what the Member for Mid Ulster is saying were true, that somebody was deliberately trying to slip in at a late stage an amendment that would have banned shooting

per se on ASSIs, it would be a scandal. That was never the intention: I want to make that categorically clear. However, I can see where the Member is coming from. As soon as that issue was raised, it was decided, as the Minister has indicated, that it needs to be reworded. The responsible shooting organisations, such as the BASC and the Countryside Alliance, would need to be consulted about any amendment, and I believe that the Committee should have another look at it. Rest assured that there was no sleight of hand.

The difficulty we are caught in is the very strict time span that is left for non-members of the Committee to table amendments. What is proposed in the amendment would have been done only if those who occupied and owned the land had agreed to it. In other words, someone who had the shooting rights to or owned land in an ASSI would have to say that they wanted it to happen. There was never any intention of inflicting it on the general shooting community. However, because of the confusion, it has been withdrawn and there will be a complete redraft.

Mr McGlone: I thank the Members for their contributions. Nevertheless, two questions spring to mind. First, why introduce an intention to bring about legislation when the overall intention is not to enforce it? When there is an intention to bring in laws, there is surely an intention on the need to enforce them. Secondly, as I know, because I have been with landowners, people do not have a God-given right to step over other people's land to shoot. If they are forbidden from shooting, they would be trespassing. I know that because I am involved with shooting clubs. I do not think either of those arguments stand up.

I am duty-bound to reflect those views. I touched earlier on the views of the people who rang me last night to ascertain what madness, as they saw it, was going on. Those were the views of the average shooter who enjoys his country sports, going down to the lough, going out to shoot game, or even to indulge in a bit of rearing of fowl, as they do at Teal lough outside Cookstown. A representative of one of those groups rang me this morning very concerned that what was happening here was the thin end of the wedge; that they could not engage in rearing red grouse; that they could not engage in their collaborative efforts with voluntary and community groups; that they could not engage in the education programmes with local primary

schools; and that they could not engage with the Department.

Mr Kennedy: I am grateful to the Member for giving way. He is obviously intent on delivering the speech that he carefully prepared before everyone knew that amendment No 23, the offending amendment, would be withdrawn. I appeal to the Member for mercy. *[Laughter.]* Many of us have been ensnared here since the Minister first rose to his feet at 2.00 pm. Since that time, with the exception of Question Time, we have heard and considered the issue in some detail, and listened very carefully. We have not made the mistake of entering into a debate that some of us felt unqualified to speak on.

However, given that amendment No 23, which is so flawed — not only in the Member's eyes but those of a great many Members — has now been withdrawn, there is a future opportunity, should it emerge in any unacceptable way, to carefully debate it and give due process to it. I now appeal, even at this late hour, with business still to conduct on behalf of the Assembly, for the Member to desist from the temptation, which he clearly wants to pursue, of subjecting us to a debate that is rather like talking about last year's snow.

Mr McGlone: With the greatest of respect, most of my time so far, or, at least 50% of it, has been given to the grace of listening to other Members' interventions. In response to Mr Kennedy: I have sat here and listened intently to the contributions of all other Members with great patience. I can assure the Member that what I was just saying was not a carefully prepared speech. It may have been careful in its deliberations and its delivery, but it was not a speech. Secondly, if the Member had just given me time, including the time that he has eaten into, I would probably have been finished. *[Laughter.]*

I am conscious of the time. However, many people have asked me to put on record their strongly held views about the issue. Those people include members of the conservation group that I mentioned, sportsmen and people who are trying to run a business selling wares such as cartridges and guns and who are trying to work with the shooting lobby. They are all deeply concerned about the issue. I feel that I must put those views on record here on behalf of that group and on my behalf — I have an interest as a sportsperson — to inform whatever debates might manifest in future.

The issue is about the potential threat to a way of rural life, the rural economy and the conservation of that rural life. A lot of jobs are tied up in this. One gun dealer rang me this morning to say that there would be job losses with him. Another person who runs a drive-and-shoot said that, if this provision goes through today, five jobs would go there. It is important that I articulate that here this evening.

I wish to put down a clear marker: we cannot have ill-considered proposals that are widely perceived as anti-rural. We cannot have the type of legislative process whereby interest groups that are external to the Assembly spontaneously determine the way of life for rural people in Northern Ireland.

Dr Farry: I welcome the SDLP's belated contribution to this long debate. Members will be delighted to hear that my remarks will be incredibly brief, not least because someone has wandered off with my speaking notes for this debate. In light of the spirit that Mr Kennedy outlined and the comments of Mr Weir and the Minister, I will simply say that the Alliance Party supports the amendments that still stand in the fourth group. We look forward to reviewing the revised amendment if that should come forward at Further Consideration Stage.

I wish to make two other points. First, I wish to reiterate that this is not an urban versus rural issue. The issue is about conservation and combating animal cruelty. Secondly, I recognise that there are circumstances in which people may wish to shoot animals and birds. However, I do not regard that as a sport, because it is not an even contest; birds cannot shoot back for starters. Nevertheless, I recognise that there are circumstances in which some animals must be controlled and that shooting is sometimes the only avenue open to do so. *[Interruption.]*

Mr Deputy Speaker: Order.

Dr Farry: I just wanted to make that distinction. We support the remaining amendments in the group, and we are, therefore, happy to move on given the late hour.

Mr Shannon: I am conscious of the time, of Danny Kennedy's remarks and of the fact that we have to vote on a whole load of amendments, so I will make only a couple of comments.

I welcome the withdrawal of the amendment tabled by Peter Weir and Jim Wells; that is

good news. Given that I had prepared a 14-page script and that Stephen Farry and Patsy McGlone probably had equally long speeches to deliver, it could have been a very long night, and midnight would not have come quick enough for some Members.

Members are aware of the background and circumstances of the issue. However, given that this may be the last time that I have the opportunity to speak in the Assembly, it would be remiss of me not to use it to speak for shooting organisations and clubs, the Countryside Alliance and BASC. There is something wrong with legislation that is brought to the Chamber at the last moment, and we are concerned about that.

9.15 pm

I spoke to the Minister this morning and went over the issues very clearly. He has given me his assurance as Minister that when it comes to the amendment proposed by Peter Weir — the other proposer is not speaking to me — he was prepared to accept the issues that I brought forward on behalf of wildfowling clubs and those people who go out every day and do their bit for conservation. Whether it is as a wildfowler or a member of a pheasant shoot, those are the people who contribute greatly and every day, and I want to make sure that they are looked after.

There are 305 ASSIs in the Province, and there are more to come. The Agriculture Committee was told this week by the Northern Ireland Environment Agency (NIEA) to prepare for more ASSIs, because it has a yearly target to meet. Therefore, there will be lots of ASSIs across the Province. That will potentially affect Strangford Lough, Lough Neagh, Carlingford Lough, Lough Foyle and some of the shoots in my area that are in ASSIs, such as those in Donaghadee and the Copeland Island. The reason I make those points is because, if legislation is brought in, it has to involve the people that it would directly affect. Those concerns were put forward by Patsy, and I am putting them forward again, on record, now. I am pleased to have had an opportunity to look at that issue.

The Assembly, and some Members, ignore at their peril what is happening in relation to those issues. There are 65,500 firearm certificate holders in the Province, of which a large proportion are involved in country sports and shooting. A large number of people in the Province, from across the community and

from all parties, enjoy country sports and do not want to be affected adversely and without consultation on the process. The Minister has told me that he is happy to make sure that the farming community, estate owners, managers, gamekeepers and other countryside users have an input in the process.

On behalf of the wildfowling clubs that this will affect directly, we have to be aware of what is happening. Some Members are in a wee cocoon. However, they should look outside and see what is happening in the constituencies that they represent and see the people whom this will affect. We are all aware that this will affect Mid Ulster, North Antrim, North Down and, for those who need to be reminded, South Down. It will also affect the people of Strangford. Therefore, it is very important that we are aware of all the issues.

There are five wildfowling clubs around Strangford Lough. An ASSI cannot be pushed through in that area without consultation, and I want to make sure that that consultation takes place. The Minister has made a commitment to do that. Peter Weir has also made that commitment, which I appreciate. He even put it in writing, which means a lot to me. I have every faith that Minister Poots will make the right decisions. The most important thing is that the Countryside Alliance, the BASC, all shooters and everybody who owns land have an input in the process. If that is progress, it is a good day in this Assembly.

Mr Bell: Given the lateness of the hour, I am happy to go along with what my colleagues Jim Shannon and Mr Weir, Chief Whip, have said.

Mr Deputy Speaker: I call Mr Roy Beggs.

Mr Beggs: On what issue? I had not indicated that I wanted to speak.

Mr Deputy Speaker: Mr Beggs, your name is on the list to speak.

Mr Beggs: I apologise for that.

Mr Deputy Speaker: We will move on. I call the Minister of the Environment, Mr Edwin Poots.

The Minister of the Environment: You will be glad to know, Mr Deputy Speaker, given the late hour at which the amendments came in, the Executive have not had an opportunity to discuss them. Therefore, I am not in a position to give an Executive position.

Mr Wells: I tried to intervene, because an important procedural issue has arisen around the three amendments that still remain. I have had my differences with Mr McGlone, but I take his point of view. I was going to explain those differences, but I do not have two hours; Argentina are playing and I am sure that some of us want to see that.

Some Members: It is over.

Mr Wells: The match is over? Oh gosh. Well, I want to be home for Christmas.

This issue has exposed a difficulty, in the sense that, as we have said, the gap between the closing date for the tabling of amendments and their consideration by the House at Consideration Stage is far too short. Also, we are not certain whether amendments that have been tabled can be referred back to the Environment Committee for further consideration. I take the point that the Chairman and others have made: if someone who is not on the Committee tables an amendment at such short notice, it is impossible for the Committee to consider it in depth. That means that the Committee has no input. I would like to know whether it is possible to refer an amendment to the Committee and for Committee members to bring their views back at the Further Consideration Stage. That is important.

I do not want to labour the point, because people like me have sat here for nearly seven and a half hours. However, there never was, never will be and definitely was no intention of imposing a blanket ban on shooting in ASSIs. Never, never, never. It is a pity that those who orchestrated campaigns, like Mr McGlone who got his constituents to ring, did not take the time to have a five-minute talk —

Mr McGlone: With the greatest of respect to Mr Wells, I did not get my constituents to ring me; he got them to ring me. *[Laughter.]*

Mr Wells: Somebody in this Chamber from Mid Ulster gave out my private mobile number, because I had a lot of people with Magherafelt and Cookstown accents ringing me to give off about the issue, and it was not Ian McCrea.

To be serious, five minutes of discussion would have allayed the fears of those people. Anyone that we have described the intent of the amendment to is perfectly happy with it; it is just a misunderstanding. The situation reminds me of a funeral that I attended many years ago

in south Antrim, where the clergyman stood up and said that the deceased, who I will call Mr Smith, must have loved the Lord because the Lord's name was never off his lips. Half of the congregation thought that Mr Smith was a pious gentleman for always having the Lord's name on his lips, whereas the other half knew that he was an absolute vagabond who was constantly swearing and delving into the realms of profanity. Exactly the same statement was taken totally differently by the two sides of the congregation.

Similarly, here we have wording for an amendment that one side can see nothing wrong with, yet the other side are saying that it is part of a major plot and an attempt to do down the respectable wildfowling community, particularly in Mid Ulster, and ban shooting in ASSIs. Looking at the situation from his perspective, and from what has been explained to me, I can see where Mr McGlone is coming from. The moment that that occurred to Mr Weir and me, we agreed to withdraw the amendment to let the Minister consult with those who are directly affected to come up with a form of wording on by-laws for ASSIs that everyone will accept. I would not lend my support to anything that those who are involved in normal shooting and field-sport activities could not sign up to through their established organisations, such as the Countryside Alliance, BASC, Shaftesbury Estates, etc.

Can I give Mr McGlone any more of an assurance than that? Does he accept that, or is he going to leave the Chamber tonight thinking "that good-for-nothing so and so from South Down is still trying to do in my constituents"? Apart from prostrating myself in the middle of the main street in Coagh and pleading for mercy, I cannot do anything more for him. What disappoints me is that there are still people like him who feel that there is some subtext. There is not. There is nothing hidden, and there is no attempt to place him in any great difficulties. Let us hope that we can bury the issue once and for all.

Maybe we can look at our procedures, because had there been more time between the submission of the amendments and their consideration in the House, this could all have been sorted out long beforehand. Unfortunately, because of the restricted timescale, people felt that there was an attempt to rush things through. There was also a concern that the text of the amendments was not available on the

website until Friday past, which gave people a very short time in which to consider them.

Dare I say it, I do not think that there is anything of great import in the other amendments, but, having been shot down in ribbons by Mr McGlone and his colleagues, I have to tread very carefully. However, my understanding is that they are simply common sense.

For instance, amendment No 21 enables the Department to enter into a voluntary agreement whereby the landowner and the Department can get together and unanimously support a certain set of actions. There is no compulsion, and no trying to force someone to do something that they do not want to do. The voluntary agreement would be to protect land inside and outside the ASSI, but again with the agreement of the landowners. Will someone tell me whether there is something wrong with that, or whether I am missing something?

I will give an example of what could happen, and I will quote again from Mr McGlone's constituency. I could not get a wife from South Down, so I had to go to Mid Ulster to find a bride, and I went to Tobermore. The Member will know Ballynahone Bog, which is between Magherafelt and Tobermore, and which is one of the very few examples of an intact raised bog in Northern Ireland, in fact in the island of Ireland.

Mr Kennedy: Is that where you courted?

[Laughter.]

Mr Wells: No, I went to Coleraine for that, and that is probably too much information already. Ballynahone Bog ASSI is, as the Member knows, protected as a result of the activities of John Savage, from Maghera, who fought tirelessly to protect that bog from being exploited for horticultural peat. However, there could have been a situation whereby the bog was well protected, but the surrounding land was being drained, undermining and destroying the dome feature of the bog.

The amendment gives the Department the right to enter into negotiations with surrounding landowners to try and reach a management agreement with them to stop that from happening. Is that reasonable? I think that it is, and if the landowner is unhappy, he can say, sorry, I am just not interested and simply walk away. That is the sort of situation that we are talking about.

Secondly, —

Mr McFarland: I have no doubt that the three amendments are valid and are of no threat to anyone. However, having sat here for seven hours, I feel that there is an issue of propriety involved, not for just this matter, but for all Committees. We have three amendments that were introduced at the last minute and of which the Committee had no sight. The essence of the Committee is to be an upper house in the Assembly and to act as a check and balance against matters being introduced without being properly examined.

If we are now introducing a system whereby Members can bring issues in at the last minute, avoiding the Committee and any detailed scrutiny, we are getting ourselves into all sorts of trouble. It is in order for the amendments to be withdrawn at this stage and go to the Committee. They can then be proposed at the Further Consideration Stage, which keeps the propriety of the process. I agree that we need some system to ensure that people have an opportunity to introduce amendments, put them in front of the Committees and bring them to the Assembly at Consideration Stage.

Mr Wells: The honourable Member is right. However, no one can give me an assurance that what he is asking for can be delivered. If it can, I will sit down and do exactly what he asks, but the problem is —

Mr Deputy Speaker: Order, Mr Wells. Just for clarity, and I believe that you are seeking clarity: on a procedural matter, where an amendment is not moved, and provided that it is not in conflict with other decisions on the Bill, then it can be tabled at Further Consideration Stage.

Mr Weir: On a point of order, Mr Deputy Speaker. Could I also clarify that if amendments are passed, there is still the opportunity at Further Consideration Stage for further amendments if there was any concern about those amendments. So, it is probably a question of which way round the thing goes, but I question the need to kill off amendments at this stage when there is a further bite of the cherry.

Mr Deputy Speaker: I confirm that further amendments can be taken provided that they do not conflict with decisions already made.

Mr McFarland: On a point of order, Mr Deputy Speaker. My understanding from way back is

that if the amendments are brought before the House tonight and passed, they technically become part of the law, and it is quite difficult, as I recall, to overturn them at Further Consideration Stage. My understanding is that Further Consideration Stage is for bringing new issues that have not been before the House. My sense is that if the amendments are not moved tonight, they can come forward anew at Further Consideration Stage, and there will be no conflict between issues that are, technically, passed tonight into law, and those being revisited at Further Consideration Stage.

Mr Deputy Speaker: Amendments can still be made, but decisions that have been made cannot be reversed.

Mr Wells: Your guidance is very clear, Mr Deputy Speaker. I propose not to move, in conjunction with my —

Mr Weir: I do not particularly see a problem with this. The amendments in this group are not all completely fresh, in that they are all refinements of existing law and they all make reference to pre-existing law. The management agreements and everything else are all in pre-existing law. Therefore, this legislation would simply be a refinement of a refinement. There is no particular problem with these amendments. People have clearly raised major concerns about amendment No 23, but not one of the thousands of people who have been in contact about the others in the group raised issues about them. If we are still keen to move those —

Mr McFarland: I have no doubt —

Mr Weir: Jim Wells has given way to me, so I am not sure that I can give way to someone else who has given way, if you know what I mean.

Mr Wells: You give way to me, and I will give way to you if you give way to him.

Mr McFarland: I thank Mr Wells for giving way to me.

My worry is that, although I have no doubt that there is no conflict with these amendments, I come back to the sense of the system that we use here. Committees, which act almost as an upper House here, scrutinise legislation before it comes to this House. If we think about propriety, we are discussing amendments to legislation coming to this House without their having been anywhere near the Committee. There could be an issue with that, although

there probably will not be, because if this matter goes back to the Committee, it might identify problems in these three particular amendments.

There may not be a problem, but surely it is up to the Committee to confirm to the House that there is no problem with the amendments. However, if we pass the amendments tonight, my understanding is that there is no opportunity to change them again and they will become a part of the Bill.

Mr Deputy Speaker: I suggest, Members, that we take a five-minute suspension so that you have time for consideration. I therefore propose, by leave of the Assembly, to suspend the sitting for five minutes.

The sitting was suspended at 9.31 pm.

On resuming —

9.40 pm

Mr Deputy Speaker: Order. We shall continue.

Mr Wells: Mr Deputy Speaker, the usual channels have prevailed, and I think that we have reached a conclusion. I suggest that the Question on amendment No 21, which does not seem to cause any problems and has already been debated, be put. However, we propose that amendment Nos 22 and 24 be referred back to the Committee for the Environment, the Chairman of which may intervene to say whether that is acceptable to its members.

The Chairperson of the Committee for the Environment: Thanks. I could have asked to intervene. The Committee will accept taking back amendment No 22 and amendment No 24 to address them urgently.

Mr Wells: That being the case, Mr Deputy Speaker, I propose to say no more. We will take the appropriate action at the time of the vote.

Question, That amendment No 21 be made, put and agreed to.

New clause ordered to stand part of the Bill.

Amendment Nos 22 and 23 not moved.

Mr Deputy Speaker: No amendments have been tabled to clauses 27 to 30. I propose, by leave of the Assembly, to group the clauses for the Question on stand part.

Mr Shannon: On a point of clarification, Mr Deputy Speaker. Are you going to group amendment No 27 with other amendments? Some Members have concerns about amendment No 27, which relates to the curlew. Will you please clarify where we are at this stage?

Mr Deputy Speaker: For clarity, it is the Question on clause 27 not amendment No 27 that is being put, Mr Shannon.

Clauses 27 to 30 ordered to stand part of the Bill.

Amendment No 24 not moved.

Clauses 31 and 32 ordered to stand part of the Bill.

New Clause

Amendment No 25 made: After clause 32, insert the following new clause

“Special protection for game

32A.—(1) *The Game Preservation Act (Northern Ireland) 1928 is amended as follows.*

(2) *In section 7 (close seasons) after subsection (3) insert—*

‘(3A) If it appears to the Department expedient that any game birds should be protected during any period outside the close season for those birds, the Department may make an order with respect to the whole or any specified part of Northern Ireland declaring any period (which shall not in the case of any order exceed 14 days) as a period of special protection for those birds.

(3B) This section shall have effect as if any period of special protection declared under subsection (3A) for any game birds formed part of the close season for those birds.

(3C) Before making an order under subsection (3A) the Department shall consult a person appearing to the Department to be a representative of persons interested in the shooting of game birds of the species proposed to be protected by the order.’.

(3) In section 7C(1) (special protection order for game) after ‘purchase’ insert ‘or possession.’ — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 26 proposed: After clause 32, insert the following new clause

“Hare coursing

32B.—(1) *A person commits an offence if he—*

- (a) participates in a hare coursing event,*
- (b) attends a hare coursing event,*
- (c) knowingly facilitates a hare coursing event, or*
- (d) permits land which belongs to him to be used for the purposes of a hare coursing event.*

(2) Each of the following persons commits an offence if a dog participates in a hare coursing event—

- (a) any person who enters the dog for the event,*
- (b) any person who permits the dog to be entered, and*
- (c) any person who controls or handles the dog in the course of or for the purposes of the event.*

(3) A ‘hare coursing event’ is a competition in which dogs are, by the use of live hares, assessed as to skill in hunting hares.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.” — [Mr Beggs.]

Question put.

Mr Deputy Speaker: I think that the Ayes have it.

Mr Shannon: I do not want to keep Members here any longer than necessary, Mr Deputy Speaker. That is not my intention at all. However, when an issue has created controversy in the Chamber and differences of opinions have been expressed fairly clearly, we should vote on the matter. Mr Deputy Speaker, I am not trying to tell you what to do, and I apologise if that appears to be the case, but, given the level of debate —

Mr Deputy Speaker: Order. The Member has challenged my decision, and rightly so.

Question put.

The Assembly divided: Ayes 23; Noes 18.

AYES

Mr Beggs, Mr Bresland, Mr T Clarke, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Givan, Mr Hamilton, Mr McCallister, Mr McCarthy, Mr I McCrea, Mr McDevitt, Mr McFarland, Miss McIlveen, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson.

Tellers for the Ayes: Mr Beggs and Mr Wells.

NOES

Ms Anderson, Mr Bell, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr Brady, Mr Butler, Mr G Kelly, Mr Leonard, Mr F McCann, Ms J McCann, Mr McGlone, Mr McLaughlin, Mr Molloy, Ms Ní Chuilín, Mr O’Dowd, Mrs O’Neill, Mr Shannon.

Tellers for the Noes: Mr Leonard and Mr Shannon.

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

Clauses 33 to 36 ordered to stand part of the Bill.

Schedule 1 (Amendments to Schedules to the Wildlife Order)

Amendment No 27 made: In page 20, line 10, at end insert

“Curlew	Numenius arquata”
---------	-------------------

— [The Minister of the Environment (Mr Poots).]

Amendment No 28 made: In page 20, line 17, at end insert

“Lapwing	Vanellus vanellus”
----------	--------------------

— [The Minister of the Environment (Mr Poots).]

Amendment No 29 proposed: In page 20, line 18, at end insert

“Plover, Golden	Pluvialis apricaria”
-----------------	----------------------

— [The Chairperson of the Committee for the Environment (Mr Boylan).]

Question put and negatived.

Mr Deputy Speaker: I call the Minister to move formally amendment No 30.

The Minister of the Environment: Aye. Sorry. Moved. We are all getting confused.

Mr Deputy Speaker: We are all suffering from confusion.

Amendment No 30 made: In page 20, line 20, at end insert

“Redshank	Tringa totanus”
-----------	-----------------

— [The Minister of the Environment (Mr Poots).]

Amendment No 31 made: In page 20, line 22, at end insert

“Whinchat	Saxicola rubetra”
-----------	-------------------

— [The Minister of the Environment (Mr Poots).]

Mr Deputy Speaker: I will not call amendment No 32. It is consequential to amendment No 29, which has not been made.

Amendment No 33 made: In page 21, line 2, at end insert

“(3) In Part 1 omit the following entry—

Common name	Scientific name
Curlew	Numenius arquata”

— [The Minister of the Environment (Mr Poots).]

10.00 pm

Mr Deputy Speaker: I will not call amendment No 34. It is consequential to amendment No 29, which has not been made.

Amendment No 35 and amendment No 36 are mutually exclusive. Therefore, if amendment No 35 is made, I will not call amendment No 36.

Amendment No 35 not moved.

Amendment No 36 proposed: In page 21, line 5, leave out sub-paragraph (2) and insert

“(2) Omit the following entries—

Common name	Scientific name
Bunting, Reed	Emberiza schoeniclus
Twite	Carduelis flavirostris
Yellowhammer	Emberiza citronella”

— [The Chairperson of the Committee for the Environment (Mr Boylan).]

Question put and negatived.

Dr Farry: In the light of your earlier clarification on the Bill’s Further Consideration Stage, Mr Deputy Speaker, I will not move amendment No 37 at this time.

Amendment No 37 not moved.

Amendment No 38 made: In page 21, line 34, after “Common” insert

“(in respect of Article 10(1) only and with respect to coastal waters only)”. — [The Minister of the Environment (Mr Poots).]

Amendment No 39 made: In page 24, line 17, at end insert

“Deer, Chinese water	Hydropotes inermis”
----------------------	---------------------

— [The Minister of the Environment (Mr Poots).]

Amendment No 40 made: In page 24, line 18, at end insert

“Deer, Roe	Capreolus capreolus”
------------	----------------------

— [The Minister of the Environment (Mr Poots).]

Amendment No 41 made: In page 25, leave out line 16 and insert

“Knotweed, Giant	Fallopia sachalinensis
Knotweed, Himalayan	Polygonum wallichii
Knotweed, Japanese	Fallopia japonica”

— [The Minister of the Environment (Mr Poots).]

Schedule 1, as amended, agreed to.

Schedule 2 (Amendments)

Amendment No 42 made: In page 26, line 12, at end insert

“1A. After section 7F insert—

‘Relationship of this Act with Wildlife Order

7G. Sections 7(1) and (2), 7A(1) and 7D(4) do not have effect in relation to a hare included in Schedule 5 to the Wildlife (Northern Ireland) Order

1985.’ — [The Minister of the Environment (Mr Poots).]

Amendment No 43 made: In page 26, line 20, leave out from beginning to “(interpretation)” and insert

“4.—(1) Article 2 (interpretation) is amended as follows.

(2) In paragraph (2). — [The Minister of the Environment (Mr Poots).]

Amendment No 44 made: In page 26, line 23, at end insert

“(3) In paragraph (2) in the definition of ‘wild bird’ at the end add ‘or any game bird’.

(4) Omit paragraph (3).” — [The Minister of the Environment (Mr Poots).]

Amendment No 45 made: In page 28, line 2, at end insert

“18. In Article 29(3) (orders) after ‘any order’ insert ‘(other than an order under Article 4(10))’.” — [The Minister of the Environment (Mr Poots).]

Schedule 2, as amended, agreed to.

Schedule 3 (Repeals)

Amendment No 46 made: In page 28, line 7, at end insert

“The Welfare of Animals Act Section 21.”
(Northern Ireland) 1972 (c. 7)”

— [The Minister of the Environment (Mr Poots).]

Amendment No 47 made: In page 28, line 7, at end insert “Article 2(3).” — [The Minister of the Environment (Mr Poots).]

Amendment No 48 made: In page 28, line 10, at end insert

“In Article 4(12) the words ‘Without prejudice to Article 29(3),’ — [The Minister of the Environment (Mr Poots).]

Amendment Nos 49 and 50 not moved.

Schedule 3, as amended, agreed to.

Long Title

Amendment No 51 made: After “game dealers’ licences” insert

“and amend the Game Preservation Act (Northern Ireland) 1928”. — [The Minister of the Environment (Mr Poots).]

Long title, as amended, agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Wildlife and Natural Environment Bill. The Bill stands referred to the Speaker. I ask Members to take their ease while we change the top Table.

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

Medical Profession (Responsible Officers) Regulations (Northern Ireland) 2010

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I beg to move

That the draft Medical Profession (Responsible Officers) Regulations (Northern Ireland) 2010 be approved.

I seek the Assembly's approval of the aforementioned statutory rule. Subject to the Assembly's approval, the rule will formalise a role that will be called "responsible officer". The purpose of the role is to ensure that all doctors who practise in Northern Ireland do so to a high standard in a safe and competent manner. For the vast majority of doctors, that is indeed the case, but a small number fall short of the high professional standards expected. Consequently, there is a need to ensure that doctors are supported in maintaining and improving on that high standard of practice to fulfil the requirements of the medical regulator, which is the General Medical Council (GMC).

Over the next few years, the GMC will change the way in which doctors in Northern Ireland and the UK are regulated. That revalidation process will mean that doctors will need to demonstrate regularly that they continue to meet the appropriate professional standards that the GMC sets them. In addition, doctors will have to show that they are continuing to learn and develop their skills and knowledge. The responsible officer will ensure that the organisation for which they work supports the revalidation process. On the basis of evidence accumulated over five years, they will have personal responsibility for making a recommendation on the fitness to practise of individual doctors to the GMC as part of the revalidation framework.

I will move now to the content of the regulations. Provisions for responsible officers are set out in the Medical Act 1983, which was amended by the Health and Social Care Act 2008. Broadly speaking, the responsible officer role will operate consistently across the UK. My Department is bringing forward this set of regulations, which has been specifically tailored to suit the organisational arrangements in Northern Ireland. The regulations will require the main healthcare bodies in Northern Ireland to

nominate or appoint a responsible officer. Any body in Northern Ireland that employs or contracts with doctors — for example, a health and social care trust — will be required to have a responsible officer.

Responsible officers will be required to evaluate doctors' fitness to practise. That includes ensuring that regular appraisals are undertaken, supported by sufficient information to allow an evaluation of fitness to practise when the doctor is required to revalidate. The evidence needed to assess fitness to practise, such as proof of participation in annual appraisal, feedback from patients and colleagues and a continuing professional development portfolio will be available to each responsible officer to help him or her to reach an objective decision. A responsible officer will work closely with the GMC to monitor compliance with any conditions or undertakings imposed on a doctor by the GMC. A responsible officer must be a licensed medical practitioner and must have been a licensed doctor for the preceding five years.

In carrying out his or her role, a responsible officer must continue to be a licensed medical practitioner. All doctors who wish to retain a licence to practise must be associated with a responsible officer. The regulations set out the designated bodies that doctors will associate with. For example, all doctors working as GPs in Northern Ireland will relate to the Health and Social Care Board's responsible officer. Trust employees will relate to their trust's responsible officer. As licensed medical practitioners, each responsible officer will need to have a responsible officer.

During policy development and the consultation process, issues were raised about situations that can arise where there is a conflict of interest or appearance of bias between doctors and their responsible officer. The regulations were amended to allow for a second responsible officer to be nominated or appointed in such circumstances. To ensure that the clearly defined role of responsible officer is carried out, each designated body must provide the officer appointed or nominated with the resources necessary to carry out those responsibilities. The Secretary of State for Health, the Rt Hon Andrew Lansley, has given his commitment to proceed to lay the GB responsible officer regulations shortly at Westminster and at the Scottish Parliament.

I consider these to be reasonable steps to take to ensure safety for patients who access care in Northern Ireland. We must ensure that the policy is applied consistently throughout Northern Ireland. All doctors who hold a licence to practice medicine must demonstrate that they are fit to undertake their role. Patients' safety cannot be compromised. In summary, the role of responsible officer will ensure that doctors who provide care continue to maintain a high standard of practice; ensure that doctors are properly supported and managed in sustaining and, where necessary, raising their professional standards; and, for the tiny minority of doctors who fall short of the high professional standards expected of them, ensure that there are fair and effective local systems to identify them and to ensure that appropriate action is taken to safeguard patients. The aim of the regulations is to increase public and professional confidence in the regulation of doctors. I ask the House to support the motion.

10.15 pm

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):

I will speak in my capacity as Chairperson of the Committee for Health, Social Services and Public Safety. Before I do so, I want to say that Tuesday 22 June 2010 will go down as a great day for animal welfare and conservation in Northern Ireland. I am absolutely delighted with the results tonight and thank everyone who supported the amendments.

I will now move to the subject at hand. I understand that Members possibly do not have the stomach for a good hour-and-a-half debate; therefore, my remarks will be brief. The Committee first considered and approved the SL1 on the matter at its meeting on 30 April 2009. I looked at the records of the meeting, which preceded my time as Chairperson, and found that Members had expressed no major concerns.

The Department received 19 responses to its consultation. It reported to the Committee on 3 June 2010 to outline the response to the consultation and the draft statutory rule that it intended to table under the affirmative resolution procedure. The Committee took evidence from officials on the consultation and the statutory rule on 3 June 2010.

Before I outline the Committee's thoughts, it might be worthwhile to provide a brief background.

The Chief Medical Officer in England produced a report in 2006 that introduced the concept of the local responsible officer. The role of responsible officer was intended to plug a perceived regulatory gap between local and national processes for medical regulation.

Over the next few years, the General Medical Council will change the way in which doctors are regulated by introducing a process known as revalidation. Revalidation is a process that demonstrates that doctors continue to learn, develop and update their skills and are fit to practise. It is a bit like continued professional development. Therefore, it is welcomed.

The Committee noted that the purpose of the regulations on the responsible officer is to put new accountability into the health system. The person who carries out the new accountability would make recommendations to the General Medical Council in respect of the fitness of a doctor to practise and be revalidated. That person would be called the responsible officer, and the regulations cover the person and the creation of the post. That accountability is, as I said, a bigger process known as revalidation. The Committee received evidence that there are about 1,600 doctors who would be subject to revalidation. That is a substantial number. In order to be revalidated, a doctor must be linked to what is known as the responsible officer.

Concerns raised by the Committee on 3 June 2010 included the fact that some doctors whose first language is not English appear to have difficulties. I have had experience of being treated by a perfectly competent doctor, but, whether he could not understand my accent or I could not understand his, there were communication difficulties. The Committee raised the issue as more doctors come here from eastern Europe and the Indian subcontinent. We checked that out. As I said, they are perfectly competent doctors and are very welcome. However, language is an issue. We heard that such issues would be dealt with by the annual appraisal system rather than through revalidation.

There was also some concern about who would carry out an assessment, particularly for GPs. That is a group of people who all know one another and among whom there appears to be a certain camaraderie. It would be frowned upon to cast doubts on the revalidation of a fellow professional. We have heard that there will be checks and balances to counteract that scenario. However, one of our members, Kieran

Deeny, asked whether revalidation would go ahead at all. Apparently there is some doubt as a result of the new Conservative/Liberal demographic — liberal democratic — covenant in London. That shows that I have been here for a long time, Mr Deputy Speaker. Will the Minister clarify whether there is still a cloud of doubt hanging over the whole process?

Despite the doubt over revalidation, the Committee is content that the statutory rule that relates to the responsible officer part of revalidation be approved by the Assembly.

The Minister of Health, Social Services and Public Safety: I thank the Chairperson of the Health Committee for his comments and the members of the Health Committee who made a contribution as these regulations worked their way through. It shows that a Minister and a Committee working together can produce the result that is required.

With regard to the point that was raised about the Conservative and Lib Dem Government, Andrew Lansley has given an undertaking to raise this matter for GB in Westminster and the Scottish Parliament. As far as I am concerned, therefore, there is no doubt that this will go ahead. The Member made another point about GPs knowing each other. That may be the case to a large extent, but there are over 6,100 licensed doctors in Northern Ireland, more than 1,700 of whom are GPs. Their responsible officer will work through the Regional Health and Social Care Board. As a matter of interest, in 2009, for example, 108 doctors from Northern Ireland were referred to the GMC. That demonstrates that there is no question of protection where patient safety is concerned. Such referrals are taken very seriously, although I am pleased to report that 49 cases were closed without further action.

Apart from conveying my thanks to the Members who played a part in bringing forward the regulations and the rule, I must say that the contributions have been positive and helpful towards this aspect of reform. It is an important reform of the health and social care system in Northern Ireland.

Question put and agreed to.

Resolved:

That the draft Medical Profession (Responsible Officers) Regulations (Northern Ireland) 2010 be approved.

Committee Business

Allowances to Members of the Assembly (Repeal) Bill: Consideration Stage

Mr Deputy Speaker: The next item on the Order Paper is the Consideration Stage of the Allowances to Members of the Assembly (Repeal) Bill. Members will know that the Second Stage of the Bill did not proceed yesterday. Therefore, the Consideration Stage cannot proceed today. We will move on to the next item of business.

Sunbeds Bill: Extension of Committee Stage

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 4 November 2010, in relation to the Committee Stage of the Sunbeds Bill [NIA Bill 18/09].

The Sunbeds Bill passed its Second Stage on 25 May and, under the 30 working day rule, should complete its Committee Stage on 8 September 2010. However, the Committee has one other Bill at Committee Stage and is heavily involved in the scrutiny of the health budget. The Committee will, therefore, require an extension to the period allocated to consider the Bill. The extension that is requested is to 4 November. We hope that we will not require all of that time. In fact, considerable progress has been made and is being made on the Bill, and the Department and the Committee are working well together in getting the Bill through. It has been radically improved as a result of concessions that have been made by the Department. Therefore, I hope that we will not require all of the extra time. With a second Bill at Committee Stage and the potential for further private Members' Bills, it is prudent that we ask for additional time.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 4 November 2010, in relation to the Committee Stage of the Sunbeds Bill [NIA Bill 18/09].

Executive's Priority Measures to Deal with the Economic Downturn

Mr Deputy Speaker: The Business Committee has agreed to allow up to two hours for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Kennedy): I beg to move

That this Assembly takes note of the written ministerial statement, 'The Executive's Priority Measures to Deal with the Economic Downturn'.

I am grateful to Members for remaining for the debate. I am conscious of time, but it is an important motion. The motion takes note of 'The Executive's Priority Measures to Deal with the Economic Downturn', which was published as a written ministerial statement on 20 May 2010. The Committee for the Office of the First Minister and deputy First Minister received an embargoed copy of that statement and agreed at its 19 May meeting that it would table a motion to give Members the opportunity to debate the Executive's priority measures to deal with the economic downturn.

The effect of the economic downturn is being felt by people across Northern Ireland. Earlier today, George Osborne, the Chancellor of the Exchequer, announced his Budget and the new Government's economic plan. This year, 2010, is the European Year for Combating Poverty and Social Exclusion, and, in the very difficult economic circumstances that we are experiencing, it is fair to say that it is probably the poor who will suffer most.

My Committee held a formal meeting in the Committee of the Regions office in Brussels on Thursday 10 June 2010. We took evidence from the Spanish, Belgian and Hungarian Governments on their priorities for their presidency of the Council of the European Union and, in particular, their priorities concerning poverty and social exclusion. At that meeting, we heard the stark reality of the economic downturn that faces families not only in Northern Ireland but across Europe. It is the view of the Committee that we must continue to ensure that government services respond decisively to the needs of the growing number of low-income families; that they help to move

children out of the child poverty trap; and that they provide opportunities for children to break the cycle of poverty.

I thank junior Minister Kelly for attending the debate. My Committee was advised at the meeting in Brussels that the Council of Ministers had agreed to propose to the European Council:

"that the quantified target of the Europe 2020 Strategy to promote social inclusion, in particular through the reduction of poverty, be formulated in such a way that it would aim at lifting at least 20 million people from the risk of poverty and exclusion by 2020".

Clearly, because of the current circumstances, the aim is to alleviate poverty rather than to eradicate it. Nonetheless, because of the economic downturn, that too will be a particularly challenging target.

The impact of the global economic downturn is also being felt across many sectors. My Committee has met representatives of the Construction Industry Group and the Construction and Property Group to hear evidence of the impact of the global recession on that sector. Those groups underlined the seriousness of the situation and emphasised the need for intervention to save jobs and to make provision for apprenticeships, thus ensuring sustainable employment in Northern Ireland.

In December 2008, the Executive introduced measures to deal with the economic downturn, one of which was to establish the cross-sector advisory forum. The forum met on a number of occasions, and its recommendations helped to form the Executive's priority measures to deal with the downturn. The measures cover six areas: infrastructure, planning and procurement; skills and business; hardship, poverty, debt and energy; agriculture; banking, lending and finance; and housing and property. The Executive's paper provides actions for immediate implementation, actions for short- and medium-term consideration and actions for longer-term consideration, which cover most of the Departments in the Executive.

I am sure that everyone will welcome the measures detailed in the paper, and my Committee is keen to see how they will be implemented, monitored and reviewed. I look forward to hearing Members' contributions and

that of the junior Minister and I will take careful note of all the comments made.

10.30 pm

Mr G Robinson: The First Minister and the deputy First Minister have tried to deal positively with the economic problems affecting Northern Ireland. The written statement of 20 May shows how comprehensive their approach has been, and I welcome the wide range of input essential to an inclusive report. I especially welcome moves that will protect the most vulnerable in our society.

The measures to address illegal moneylending are particularly welcome. That practice causes great distress and leads to greater poverty for those who use it, and since it may also be linked to criminal activities, the terrorising of debtors is, sadly, commonplace.

As many of us know from our constituency work, the number of benefits available makes it difficult and off-putting for people to register genuine claims. The measures to increase the uptake of benefits are very important, particularly for our elderly population. Times are tough and if people have an entitlement, we should make sure that they can claim easily. I also urge that the making of a claim be seen as a natural action. Some of our older people still see claiming what is lawfully theirs as somehow wrong. Therefore, we must ensure that those most in need receive their full entitlement. An important part of that approach is to continue reducing fuel poverty. I welcome the long-term considerations that the statement makes in that regard.

Housing problems in my constituency, and doubtless in every other one, are increasing. Therefore, I welcome the proposals to aid people threatened with repossession. It makes sense to keep people in their own homes rather than to pursue repossessions and so put additional pressure on an already overstretched public sector housing market. The statement makes it clear that the banks and mortgage lenders have a significant role to play in that, and their attitude should change. I also welcome the call for banks to introduce new mortgage products aimed at first-time buyers. In Ballykelly recently, we saw people's desperation to buy a home, with the sale of former MOD housing. Banks must be realistic about lending so as to reduce the possibility of toxic debt, but they cannot sit on the money in their reserves while people cannot get a mortgage.

Those are just a few points about the document. I support the aims and objectives of the First Minister and the deputy First Minister. I welcome the fact that Northern Ireland can address its own priorities, and this debate goes to show that my party welcomes being in government and is not afraid to take the tough decisions that, sadly, are necessary.

Ms Anderson: Go raibh maith agat. As a member of the Committee for the Office of the First Minister and deputy First Minister, I welcome the Executive's latest efforts to mitigate the worst effects of the economic downturn and thank the cross-sector advisory forum for its efforts. This, of course, follows the original £70 million response in 2008, which included progressive measures such as the household fuel payment, the Financial Assistance Bill and the freezing of business rates, all of which displayed a real willingness on the part of the Executive to make a positive impact on people's lives.

That initiative also created the cross-sector advisory forum, which has now completed its deliberations, and that work forms the basis of this latest Executive package, which contains many positive elements designed to assist local businesses and families to survive the recession. The identified actions cover a broad range of issues, such as planning, availability of bank finance, the promotion of renewable energies, benefit uptake and the social economy.

On the issue of local business surviving the recession and the availability of bank financing, as I have heard my colleague Mitchel McLaughlin say a number of times in the Chamber, what is needed is for banks to allow businesses to continue with existing banking arrangements. Because banks are putting pressure on businesses to change the arrangements, they are destroying businesses.

I am glad to see that a specific focus is being placed on public procurement contracts, because I know that accessing government tenders remains an ongoing and major problem for SMEs across the North. That is something that my colleague Jennifer McCann has raised on a number of occasions in the Chamber as Chairperson of the Committee for Finance and Personnel and as a Sinn Féin MLA. Welcome as those measures are, no one is pretending that the package will deliver the answer to all our financial woes.

We have to recognise that there is a limit on what the Assembly and the Executive can deliver because of the political constraints in which we operate. As one businessperson told the 'Irish News' in response to the package, it highlights the fact that this Administration does not have fiscal powers or the ability to affect monetary policy, and on this particular day, that is something that we should all reflect upon. It goes to the heart of our great difficulties here. I firmly believe that all the parties have displayed the political will to make a real difference to the people whom they represent. However, political will only takes us so far, and while we remain tied to the purse strings of Britain, we will remain hamstrung.

For example, we cannot harmonise corporation tax on the island of Ireland. We cannot reduce the duty on petrol and household fuel. We cannot reform the benefits system to ensure that resources are properly means tested and go to those who need them, rather than the current ludicrous situation and system in which millionaires are perfectly entitled to receive a winter fuel payment and child benefit. Those are the issues that really matter to our people. Those are the issue that can make a real and meaningful difference, yet the Assembly refuses to take responsibility for them.

The main barrier to the creation of a vibrant, sustainable economy here is that fiscal policy, taxation, public expenditure and the regulatory framework for the Six Counties are all set in London. The North is only incidental to British economic decisions that are made in the interest of the island of Britain. The Six County economy is unsustainable and cannot exist in isolation from the rest of Ireland — a fact that has publicly been conceded by a number of prominent British politicians, as well as a number of eminent economists. The regional economy is distorted and abnormally dependent on subsidies and the public sector for employment.

The absence of an all-Ireland, integrated economy is wasteful and inefficient for the island of Ireland. It involves a duplication of government and public service structures, imposes an unnecessary administrative burden on those wishing to do business in both jurisdictions, and creates barriers to the economies of scale. I believe that it is long after time for us to have sensible, rational debate on the need for an all-Ireland economy. What we have received

today from the British Prime Minister in relation to the cuts should at least provoke people's minds, provoke those thoughts, and take us along that pathway to at least having that sensible, rational debate. In the current economic climate, for any party to continue to duck that debate is to abdicate its responsibility to the electorate. Go raibh míle maith agat.

Mr McDevitt: I will start with some observations on today's Budget in Britain. One could not help but be struck by the notion that government used to stand for the redistribution of wealth, and, in Tory Britain today, it may well stand for the redistribution of poverty. However, that is not what we are here to debate. We are here to debate an attempt by the two larger parties in the Executive and the Office of the First Minister and deputy First Minister to give the impression that they were busily trying to deal with our economic downturn. When reading the report, I wonder where the evidence is for that activity.

The report breaks its recommendations into three categories. The first is a series — 118 on my count — of measures to be implemented with immediate effect. I can only see about 10 that are novel in any significant way. Every other measure is a repetition of something that the Assembly, through the Programme for Government, existing policies, or custom and practice, has already agreed to do.

On the basis of that, I do not feel that tackling the economic downturn is a big priority for the Office of the First Minister and deputy First Minister. Those measures, even the non-novel ones, are not about tackling the downturn but about managing it through strengthening the social infrastructure, the welfare system and housing benefits.

Ms Ní Chuilín: I thank the Member for giving way, particularly given the late hour. Given the path that the Member is going down in this debate, will he comment on the position that his party took on the Welfare Reform Bill last week? It accused the Executive of regulating poverty; what position did he take?

Mr Deputy Speaker: The Member has an extra minute in which to speak.

Mr McDevitt: With the greatest respect to Ms Ní Chuilín, the debate is about the Executive's priority measures to deal with the economic downturn. If we understand that to mean that the Executive's priority measures for dealing

with the economic downturn are to manage the welfare fallout from that rather than trying to rebuild the regional economy, that is fair enough. I respect the Member's perspective. However, that would certainly not be the perspective of any other regional Assembly or Parliament. Nor is it a particularly sustainable perspective, because if our response to the economic crisis were simply to say that we only need to manage the welfare consequences of it — I do not dispute the need for that — we would not be responding to it; we would simply be firefighting.

There is a further set of recommendations — 28, in fact — for further consideration. Again, I found that only four were in any way significantly new. Everything else is a restatement or an evolution of existing policy. There is nothing substantially innovative or interesting in the paper. The First Minister and deputy First Minister brought together some of the most important individuals from all the major sectors and social partners in our society and asked them to give their time to produce what seems to be more a validation of the First Minister and deputy First Minister's management of the exercise than an imaginative programme or series of proposals for getting us out of the downturn. That disappoints me and my party.

The final part of the report outlines actions that are not feasible at present. It is ironic and a bit sad that that section contains really good measures that the Executive and Assembly should be debating. The section has challenging proposals and opportunities to implement aspects of the green New Deal. On everything that could have made a significant difference, for some reason, the decision was taken not to implement it. Therefore, we have ended up with a report that is more like an audit of what we are doing and how we are getting on. We already know the answer to those questions yet the report is written up in such a way that says that there are loads of things that, for example, the Department for Social Development or the Department of Enterprise, Trade and Investment could be getting on with.

In the immediate measures section, there is a recommendation to develop the tourism strategy. I should hope that we are developing that strategy, because it has been in the Programme for Government for four years. Another recommendation is to continue the implementation of the MATRIX report: that would

be helpful, because it is also a Programme for Government commitment.

With the greatest respect to Ms Anderson, we do not need a lecture from the Assembly and the Executive about the macroeconomic context of the region. We need some creative thinking on using the powers that are already devolved to us. The report proves that we are not doing that. If we were, we would be debating the bits of the report that are supposedly not feasible today as things that we must do tomorrow.

Dr Farry: In the spirit of taking a glass half full approach, I welcome the comments and recommendations in the cross-sector advisory forum report. However, we have to reflect on the gaps that exist in thinking.

10.45 pm

It was Rahm Emanuel, the current White House Chief of Staff, who said never let a good crisis go to waste. However, in Northern Ireland, we wasted the opportunity to balance our economy, particularly during the brief upsurge in public spending. Now, in the economic downswing, public spending is going to be tightened along with our opportunities for doing things on a more creative basis.

In responding to the downturn, the Executive have two primary responsibilities. First, they have to try to address, as far as possible, the impact of the downturn on people. However, I appreciate that the Executive have limited tools and that what they do has to be part of a wider UK response and, indeed, take in the spin over effects from what the Republic of Ireland Government are doing. Secondly, they have to rebalance and restructure the economy. Our economy is fundamentally weak, with an over-dependence on the public sector and too small a local tax base, resulting in the need for large subvention. That is the reality that has to be taken into account and recognised by Members, such as Martina Anderson, who talk about our fiscal and monetary independence. Our tax base is barely half that which is required to meet current public spending needs. Therefore, when we talk about tax varying, realistically, we can talk only about variations from that which is set at a UK-wide level. To think otherwise would be to leave Northern Ireland very short.

The challenge is to try to marry, as much as possible, how we use additional resources to address the downturn with, as a side effect,

rebalancing our economy and addressing its weaknesses. My fear is that the Executive have used too much available resources to focus merely on what I call the demand side of any response. The Executive, through headline policies, have sought to cut the cost pressures faced by businesses and households. The assumption is that additional money in the economy will keep it ticking over and keep people in jobs. Obviously, there is a very strong Keynesian element to that. However, the difficulty with that approach alone is that Northern Ireland went into the recession with a set of problems and will emerge from the recession with that selfsame set of problems still in place. We will not have moved on in any shape or form. A lot of the demand-side interventions have not helped the situation at all and some have been very inefficient. Take, for example, the freeze on industrial rates. Superficially, that was a very attractive policy. However, it ossifies the current manufacturing profile, rather than trying to make our economy more productive and competitive. Again, we are in almost a standstill situation.

A lot of the demand management benefits that have gone to households have, in effect, been subsidies that have overly benefited the better off in society rather than the worse off. Members talk about what the Executive are doing to fight poverty. However, in reality, the balance of money is going in the opposite direction to that which Members claim to be seeking to achieve. A lot of those benefits have been across the board, but the flip side has been that our public services are under-resourced, and the people who depend on those services come, disproportionately, from less affluent backgrounds. That is the reality that a lot of Members have to take on board. We need to go back to the four main drivers as set out by the UK Treasury — skills, infrastructure, innovation and enterprise — to see how our policies fit with those.

I echo the previous comments about the green New Deal, which is something that could be done in Northern Ireland, or, indeed, on an all-island basis, very well. However, I fear that we are missing the boat on that wonderful opportunity.

The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly): Go raibh maith agat, a LeasCheann Comhairle. First, I thank Members for their contributions to the

debate and for staying behind despite the late hour. Hopefully, in my response I will be able to broadly deal with all the issues that were raised.

Given today's Budget, it is clear that we are working in a constrained fiscal environment. Our officials are looking at the Budget in detail and the implications of it locally. This debate came before Members had time to analyse today's Budget.

We can take some comfort from the fact that there are no further changes in comparable spending of Departments in Britain in 2010-11, which means that there are no Barnett consequential for the Executive. The Executive's departmental expenditure limit for the spending review period will be set in the spending review, which will be published this autumn.

We have said on a number of occasions that the current economic crisis is not amenable to quick or easy fixes. Everyone would agree with that. The complexity and evolving nature of the problems meant that it was not possible to deliver a single solution. From day one of our Administration, we said that the economy is our priority, despite what Conal McDevitt said.

Mr McDevitt: I never disputed that. I accept the junior Minister's word that the Administration have always said that the economy is their priority. However, Professor Richard Barnett and the Independent Review of Economic Policy panel found that that was the problem. There was a lot of talk about the economy being the priority, but, when the Programme for Government and the Budget are analysed, there is little evidence of it turning into a priority in this region. That is the problem.

When I talk critically, I do so in a constructive sense rather than in a partisan way. I am trying to say that if we mean that we are going to put the economy at the heart of things, we have to start behaving as if it is at the heart of things.

The junior Minister (Mr G Kelly): With respect, when the Member was speaking, he said that we had not put the economy at the centre, not just that we had said that we would do that but were not acting on it. I am reacting to what he said. In fairness, most Members were at least supportive of the statement that was made in May. I will deal with some of the issues that the Member raised as I go.

From day one of this Administration, we said that the economy is our priority. Hence, we have been taking steps to support the economy from the inception of the Programme for Government, the Budget, the investment strategy and our December package. We have also set up the cross-sector advisory forum. Conal McDevitt criticised the entire process behind that as well as all those who sat on the forum. We have now released our economic recovery package.

When the credit crunch began to bite in the summer of 2008, we were fortunate in that we already had our eyes firmly fixed on the economy and on building a fair and more equal society. Therefore, it is not surprising that many of the measures that are already in place address problems arising from the current crisis.

As Members know, the credit crunch and economic downturn have adversely affected the local economy over the past two years, with employment falling, unemployment rising and output in the construction, manufacturing and service sectors contracting. The local purchasing managers' index indicates that our private sector has been slower to emerge from recession than that in many other areas.

In December 2008, at the beginning of the economic crisis, we released our credit crunch package, which focused on five areas. Danny Kennedy outlined that package and went through its five themes. If he does not mind, I will also do that. The five themes were energy and fuel poverty, dealing with debt, support for the housing market and construction industry, support for household budgets, mitigating the threat of unemployment and support for business.

Some measures address fuel poverty directly, such as the £25 million spent on fuel credit and spending on the warm homes scheme. There have been other measures, such as the domestic rates freeze, the waiving of double payment for water, the introduction of free prescriptions and an extension of the free bus scheme for the elderly. Those measures gave relief to many, particularly those who live in low income households. As all Members have said, it is the most disadvantaged in our society and, as Danny Kennedy said, across Europe who are suffering most from the downturn.

We also expanded current debt advisory services and looked into illegal moneylending, an issue that was raised by George Robinson.

We explored how we might work with the credit union network to enhance and support the network and promote responsible borrowing at a local level.

Other measures focused on the construction and housing sector, such as the measures to maintain the £150 million programme for social housing and to accelerate planning approval.

The 2008 December monitoring round offered a further boost to the construction industry, with allocations to the farm nutrient management scheme, school maintenance, road structural maintenance, public transport capital works and the public sector housing programme. We also had measures to assist businesses, for example, maintaining industrial rates at 30% and introducing a targeted small business rates relief scheme and a new 10-day prompt payment policy across all Departments.

We understood the complexities of the economic crisis and that it was an issue that we needed to keep under review as it developed in order to allow us to tailor our responses appropriately. For that reason, the economic downturn is still a standing item on the agenda of every Executive meeting.

The package of measures that we announced in December 2008 is largely complete, and officials are undertaking a short post-programme evaluation of the benefits of the complete package. We established the cross-sector advisory forum in April 2009 to continue our dialogue with business, trade unions and voluntary and community stakeholders, which got to work on a series of recommendations to address problems arising from the economic crisis. The Executive's priority measures to deal with the economic downturn package is the culmination of the forum's work, as well as recommendations submitted by the Economic Development Forum, Ministers and Departments. On behalf of the First Minister and deputy First Minister, I want to thank everyone who contributed to that work and gave so freely of their time.

The recovery package builds and develops. Conal McDevitt mentioned a few times that there was nothing new in the package. We cannot make apologies for the fact that we were already dealing with some of those issues and that we built on and developed them. That, in itself, is not a problem. Why would that be seen as a problem? Something that is not new but which is built upon then develops into a new theme.

There are also many new, innovative actions, especially in addressing hardship through the promotion of benefits awareness and research into illegal moneylending. In the area of agriculture, there is bank lending to farms and the promotion of renewables, which Stephen Farry mentioned. In the area of banking and finance, there is the promotion of lending, new surveys on lending charges and work to support the social economy and to encourage the development of new mortgage products for the property markets. Other innovations include supporting business growth by developing management and leadership programmes, addressing financial exclusion, investigating funding opportunities for housing associations, issuing Planning Policy Statement 5 on retail development as soon as possible, further improving the ISNI portal, making resources available to deal specifically with small company export issues, and introducing new powers to allow for the bulk purchase of energy at a discounted tariff.

The measures will support investment in infrastructure and best-practice planning and will stimulate procurement. The package uses public sector capital spending to support the local construction sector and other business sectors. That will help to use public procurement to stimulate the economy and to assist in the delivery of the most economically advantageous outcomes, and it will also help to use planning to assist local business. Martina Anderson raised a number of issues in that area, including the need to support the social economy and the use of procurement to boost the economy and to tackle disadvantage. I absolutely agree with that.

Promotion of business growth and skills are key measures designed to enable the unemployed to get back into work, to harness and support local innovation, to develop the opportunities available from local tourism, and to support local job creation and retention. Again I say to Conall McDevitt, during the week, I was at a North/South Ministerial Council meeting in tourism sectoral format with Tourism Ireland, which concentrated on adapting and changing. Of course, there is always progression in tourism in Ireland, but it is in very difficult economic circumstances. I came away from the meeting charged with the energy that was shown and with the innovation and new way of approaching all those matters. We are finding that across the board, and I emphasise that because there are huge pressures, but people

are rising to the challenge in all those areas and pushing forward. That is what the advisory forum was about, and that is why it was a good idea and has helped us.

The package addresses hardship, poverty, debt and energy issues. The measures will help to relieve the social and welfare hardships and inequalities arising from the economic crisis. They will help to combat illegal moneylending and will help local people to manage debt.

The actions include promotion of benefit uptake and awareness of support; new powers allowing registered social housing landlords to broker, for instance, energy at a discounted tariff; and enhancing the role of credit unions. The package also promotes agriculture and the local farming industry and provides opportunities for renewables and the green New Deal, as mentioned by Stephen Farry.

In the area of banking and finance, measures will promote lending by helping to secure a sufficient flow of credit to support local businesses and people. The actions include ensuring easier access to existing loan guarantee schemes and short-term aid schemes and encouraging local banks to consider working with the Ulster Community Investment Trust to support the social economy sector.

11.00 pm

Martina Anderson and Mitchel McLaughlin rightly raised concerns about the lending practices of banks and how they are driving solvent companies out of business. They are doing this mainly by revising, in a punitive way, lending facilities that have already been agreed. That is having detrimental economic and social consequences. Those banks were bailed out by substantial sums of public money, and it is not acceptable that they drive businesses to the wall so that they can rebalance their books. That is not why they were bailed out. The First Minister and deputy First Minister have continually stressed the need for banks to have fair lending practices that will help us out of recession.

The package aims to assist the local housing and property market through measures to help prevent repossessions and address the growing need for social housing, which a number of Members mentioned; help for first-time buyers; keeping supply on track; and support for the construction industry. To ensure that we remain focused on implementation — and this was

raised by Danny Kennedy — it is proposed that OFMDFM officials ask Departments for updates on progress with the recovery package actions once every quarter in order to allow for periodic updating of the Executive. It is proposed to ask Departments for the first update in September.

The cross-sector advisory forum will meet later this year, when progress on implementation will be reviewed. The fragile nature of our economy, LeasCheann Comhairle, reinforced and validated the decision of the Executive to make the economy the top priority of the Programme for Government and validates our approach as undertaken with the cross-sector advisory forum. Our aim was, and remains, to develop a strong and vibrant economy, characterised by high productivity and a highly skilled workforce, which underpins a fair, more equal and inclusive society. Facing a major economic crisis, unparalleled in generations, so early in the life of the Executive has been challenging to say the least. Nevertheless, the ability of the Executive and the Assembly to prioritise the interests of local people and businesses has produced significant benefits.

Despite the economic downturn, there was an 8.6% increase in spending by Departments in 2009-2010, and that equates to over £863 million in additional investment. That has been made possible because of improved financial management under local Ministers. That highlights the vast improvement in spending performances under a local Administration compared to under direct rule when, for example, almost £380 million of resources were left unspent at the end of 2005-06.

The Executive will continue to monitor and to address the economic downturn and we will ensure that we do all we can to mitigate the worst effects of the crisis on local people and businesses. Mr Deputy Speaker, the measures in our economic recovery package are the right ones to address the downturn, given the limited tools that we, as an Executive and an Assembly, have. Those limitations were referred to earlier: we are unable to use fiscal or borrowing powers to tackle the economic crisis or to put in place a public expenditure framework that serves people here. Martina Anderson also spoke about the wasteful duplication of not having integrated public service structures on the island of Ireland. That is a continuing source of frustration for republicans and nationalists. I am not too sure about unionists on that one.

The measures outlined in our package represent the best that the Assembly and the Executive can do to support the economy at this critical time. However, the economic downturn is, as I said earlier, a standing item on the agenda of Executive meetings and, therefore, it is under continual review and discussion. Go raibh maith agat.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:

I am grateful to Members, and to junior Minister Kelly, for taking part in this take-note debate, which has provided a useful snapshot and a view from all political parties in the Assembly. Although I accept the junior Minister's point that it came rather too soon after George Osborne's Budget today, I still hope that it will be a useful template for the Executive to consider.

I will now deal with Members' contributions. Mr George Robinson made the point well that the Executive and the Assembly are charged with protecting the most vulnerable. He welcomed the action taken against illegal moneylending and the efforts to improve benefit uptake as well as that taken to tackle fuel poverty, in which, he said, the banks have a clear role.

Martina Anderson thanked the cross-sector advisory forum for its work and welcomed progress on the measures being taken on public procurement projects. She bemoaned the political and economic constraints, as she sees it, on monetary control and powers being retained at Westminster, as they are not subject to the authority of the Assembly.

Mr McDevitt was generally underwhelmed by the measures and was critical of many aspects of the report. I think that he wanted to be a critical friend, but some of his criticisms were quite stinging. He said that the measures contained nothing innovative or interesting, and he asked for some creative thinking. However, at this late hour, that might be a bit much to ask for.

Dr Farry described the glass as being half full and said that the Executive should seek to rebalance and restructure the local economy. He also said that we should return to the four main drivers of economic policy: skills, infrastructure, innovation and enterprise.

Before addressing the junior Minister's comments, I will make a party-political point on behalf of the Ulster Unionist Party. Since the general election, I have been struck by the

willingness of parties to embrace the notion that we would have to grow the private sector in Northern Ireland as part of our economic recovery. That idea met a fairly toxic reaction when it was mooted by the leader of the Conservative Party during the general election. However, by way of what can only be described as a Pauline conversion, it appears that all parties locally accept the point made by the leader of the Conservative Party and, indeed, by the Ulster Conservatives and Unionists at the time. We hope to see progress on that.

The junior Minister (Mr G Kelly): Will the Member accept that the criticism at the time was that the emphasis was on the private sector to the detriment of the public sector? I think that everyone agreed that the private sector needs to grow, but not to the detriment of the public sector.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister: I thank the junior Minister. Here was me thinking that it was cheap electioneering, although I am sure that it was not. However, the point that the junior Minister now makes was made abundantly clear at the time by the leader of the Conservative Party.

I will address the remarks made by the junior Minister. The indication that no Barnett consequential arise from today's Budget is welcome. Much attention will now focus on the spending review announcements in the autumn. It is helpful and encouraging for Members to learn that the economy remains, as it should, the priority for the Executive and the Assembly.

Junior Minister Kelly went through in some detail the measures in the written ministerial statement and outlined some of the progress that has been made. He assured us that the economic downturn is discussed at every Executive meeting. It is to be hoped that they will produce significant proposals as quickly as possible that may yet impress Members such as Mr McDevitt, if that is possible. Job creation measures will certainly be very welcome, as was the indication that the Executive have increased government spending compared with that under direct rule. That is an important message to get out. Those of us who believe in local accountability and in devolution take that as a positive sign that should be more widely reflected

I am grateful to the Members who contributed to the debate. The economic downturn has been

felt by everyone and in every sector. We need only look at Departments' efficiency savings — I will not invite the Minister of Health, who has just entered the Chamber, to comment on that — to see the possible cuts and tightening of belts that there will be across the whole of Northern Ireland. Therefore, it is important to see how the Executive respond to the downturn. I am sure that Members welcome the measures detailed in the paper, but my Committee is keen to see how those measures will be implemented, monitored and reviewed. All Statutory Committees have a duty to consider the measures and the ongoing work, and they must ensure that Departments implement the measures in a timely manner.

I am grateful to Members who contributed to the debate, and I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly takes note of the written ministerial statement, 'The Executive's Priority Measures to Deal with the Economic Downturn'.

Motion made:

That the Assembly do now adjourn. — [Mr Deputy Speaker.]

Adjournment

Out-of-hours GP Service in Limavady

Mr Deputy Speaker: I remind Members that the proposer of the Adjournment topic will have 15 minutes in which to speak. All other Members who wish to speak will have approximately 10 minutes.

Mr G Robinson: I thank the Minister of Health, Social Services and Public Safety for staying until this late hour for the Adjournment debate. I assure him that this is not a personal attack on him. I appreciate that we are living in dire economic times. I requested the debate owing to the great public concern that the cut to this front line service in Limavady has generated. I have a petition with at least 5,000 signatures, which expresses the feelings of the public in the Limavady borough. The petition has cross-community and all-party support in the Limavady area.

When I was first informed of the reconfiguration of GP services to cover the red-eye period, I knew that it would be a backward move for the people of Limavady. Nothing can justify a 40% manpower cut to a vital front line service. Regardless of the language used, in reality there will be two fewer doctors on duty and two fewer on call to cover the Western Health and Social Care Trust area, with Limavady greatest affected.

The most worrying aspect was the complete lack of consultation, primarily with the public, who are most affected, but also with local elected representatives and staff who operate the service. Consultation took place only when I, as a member of Limavady Borough Council, requested a meeting. If the cut in the number of doctors was to prove so effective, why was the service not introduced in that form to begin with?

The current service was the safest model for out-of-hours GP provision, and now it is to be cut. From 1 July, there will be one GP on duty from 12.00 am, but what about the 11.00 pm to 12.00 am period? That GP will be based in Londonderry and will be expected to cover

from Limavady to Strabane and the entire city of Londonderry. My understanding is that the planned triage nurses to assist the GP cannot do house calls and are not yet fully trained.

11.15 pm

The two other GPs on duty will be based in Enniskillen and Omagh; therefore, their ability to respond within the 20-minute target is seriously compromised. The same applies to the two on-call doctors. Their response time is compromised by the fact that they will be at home and by the time that they will need to get to the base. Too much of the argument for the cut relies on the on-call doctors and on the other duty GPs being available. It just will not be viable.

At present, there is a GP on duty in Limavady and one on call at home. From 1 July, there is to be no doctor based in Limavady. A doctor driving from Strabane to Magilligan will have poorer response times to calls, possibly turning urgent calls into emergency ones. It is a total waste of the valuable time of highly trained doctors. That could put in danger patient outcomes and, possibly, lives.

Many calls to the service are from terminally ill patients, sick children and nursing home patients. They are among the most vulnerable groups in our society and will be the first to suffer under the proposed changes. Other patients who will be affected adversely will be those who suffer strokes, heart attacks and many other serious and sudden onset illnesses. There is no plan B. There is no trial period. From 1 July, Limavady will lose yet another vital service. That is being done to save less than 0.5% of the Western Health and Social Care Trust's budget.

As I said at the beginning, I appreciate that money is tight for all Departments. However, making false economies will not save money. I say that because I am convinced that pressure will increase on the Northern Ireland Ambulance Service. Hospital admissions will increase too, which cost much more than an out-of-hours GP service. Has the Minister or Western Urgent Care taken that into account?

I am disappointed that a vital front line service is being reduced and that no meaningful consultation has been carried out. On behalf of the people of Limavady, I urge the Minister to look at what the service is intended to do, who it is intended to serve and who will suffer as a result and to ensure that the cuts are not

implemented from 1 July. I remind the Minister of his words of 25 May 2010:

“if I’m faced with further cuts the reality is that will eat very much into the frontline services.”

I appeal to the Minister, even at this late hour, at least to introduce a compromise that the Western Health and Social Care Trust reduce the present proposal from five-doctor coverage to four.

I say honestly and categorically that, if it had not been for the out-of-hours service in Limavady five years ago, I would not be standing here. I thank the medical staff who saved my life on that day at 6.30 am. Had it not been for that service, about which I am so passionate, I would not be here today.

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. It is ironic that we are talking about an out-of-hours service at 11.20 pm. It is usually referred to as the red-eye service, and there are a few red eyes around the Chamber, although there are not too many Members here.

This is a serious issue. George Robinson is absolutely right to table the debate. The cross-party work on the issue, which involved petitions as well as public and other meetings, shows the feeling in the Limavady area on the matter. It is serious, and there have been some serious failings, of which the lack of consultation is one. It has been said quite dismissively that there has not been a complete policy change and, therefore, consultation was not required. That is grossly offensive to a public who have treasured that service. They have treasured the service because it has been a good service. I noted Mr Robinson’s very serious personal anecdote. We were all struck by the number of people who turned up at the public meeting in Limavady and talked about the great service that they had been given. I anticipate that the Minister will respond by saying that the service is there and that it is being reconfigured, rather than cut out.

There have been serious failings on the issue. I echo the appeals that have been made not only here but at the public meeting, as well as those that have been made through the petition and through letters in the press, asking for the decision to be reconsidered. I still stand by that. However, in anticipation of some of the Minister’s stock lines about the matter, I want to refer to a couple of nitty-gritty issues. Obviously, we have asked questions, and the issue has been referred to in Question Time. The Minister has

talked about the idea that “you” or “your party” voted for cuts. Today, we have a situation —

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): You did it three times.

Mr Leonard: You have spoken from a sedentary position. I will not interrupt you.

The Minister of Health, Social Services and Public Safety: It is midnight.

Mr Leonard: It is not midnight: it is 11.20 pm. The Minister has spoken from a sedentary position. I made one reference to the Minister. Is this in order? Can I continue unbroken?

Mr Deputy Speaker: I ask all Members to address their remarks through the Chair.

Mr Leonard: Thank you.

The Minister said “you voted for cuts” and “your party voted for cuts”. Today, we have headline figures of 25% cuts, we will have the CSR from the autumn onwards, and we will have more cuts. That has all come from the Minister’s Tory friends.

Of course decisions have to be made about cuts at a local level. However, we are not talking about cuts at a micro level. We can still argue about the micromanagement of the out-of-hours service and at least bring the public’s concerns to the House without having them dismissed so simplistically. At a public meeting, the commissioning group — not us — quoted figures of £600 a night and £900 for bank holidays, so surely there is room for movement with that.

I come to the issue of scaremongering, and I think that the Minister had a go at a Member other than me about that. I can assure the Minister that we were not scaremongering. Medical practitioners discussed the issue of the nurses. If the Minister wants to accuse anybody of scaremongering, he should go to the medical practitioners. We were the messengers bringing the message to the Floor, which we are entitled to do. That is what the Assembly is meant to be here for. I am not turning the issue into a head-to-head discussion, but applying the cuts argument at a micro level does not stack up. It is a genuine plea from the community. We are here to represent the views of the community, and we have brought those views to

the Minister. That is our responsibility as public representatives.

I echo the view that the out-of-hours service in Limavady is a good service. However, there will be a different service if that presence is taken out of Limavady and if the number of GPs who travel the distances that will be expected of them is possibly reduced. The people of that community are quite entitled to be worried about it and are quite entitled to come to us, and we are quite entitled to raise those issues on the Floor. The issue is more than just the global accusation that the Minister makes regularly.

Mrs M Bradley: I agree that this is a serious issue that all parties must handle sensibly and sensitively, not least the parties that are proposing and implementing change. It affects Limavady, but there are knock-on effects for Derry, which is the area that I represent.

Change is never easy. It unsettles people, and, where health issues are concerned, it causes fear. Sometimes that fear may be unfounded, but it is, nevertheless, genuine. There is particular concern about the out-of-hours GP service. It does not matter whether it is in Limavady, Derry, Strabane or elsewhere in Northern Ireland, because vulnerability becomes an issue. The decision to change the out-of-hours service in Limavady was handled badly, with no consultation whatever. Therefore, no one should be in the least surprised that there has been a great deal of public interest in and concern and, indeed, anger about the matter.

Information about the changes has been drip-fed to the public in a negative way. Doctors who are involved in the out-of-hours service have been made to appear motivated by greed, which is unfortunate, because I do not believe that anyone enters the medical profession for the sake of money and certainly not for money earned in the dead of night, when most people are comfortably asleep in their bed.

Questions must be asked about changes to the service, and equally important questions must be asked about the manner in which the changes were brought about. There was no consultation, and no effort was made to explain how the changes would impact on those who fear being left without an out-of-hours service. People need to know that, in the event of their becoming sick during the night, a doctor on call will come to their aid, without delay, to provide the necessary medical help. The proposal could require a

doctor to travel from Strabane to Limavady, which is quite a distance. Naturally, that would unsettle anyone, and the Minister should not be surprised or angry that that is the case.

The issue would be best parked, at least until a proper, professional consultation has taken place and people have been reassured that the out-of-hours service has not been diluted in any way and has, if anything, been improved. Then and only then will people feel comfortable with the change. They could accept it as a change for the better and not another swingeing cut in the Health Service, which, at face value, will affect the most vulnerable — those who are very sick and need a doctor, and elderly people.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):

As you may be aware, Mr Deputy Speaker, it is unusual for the Chairman of the Health Committee to be involved in an Adjournment debate. However, I feel that I can comment, because the subject is one that has come before the Committee.

Coincidentally, I was in Limavady one evening, pursuing interests that I outlined during the Consideration Stage of the Wildlife and Natural Environment Bill earlier. I told my colleague that a certain George Robinson lived in Limavady. I said that not a blade of grass grew there that George did not know about and that we called him the “mayor of Limavady”. About 10 minutes later, the “mayor of Limavady” phoned me to voice his concern at the change in the out-of-hours provision in his district.

Subsequently, I learned from Claire McGill, a member of the Committee, that the change in service extended far beyond Limavady and was a Western Trust issue. The following day, as it happened, the Committee heard evidence from the Health and Social Care Board and departmental officials on the commissioning plan for 2010-11. That unleashed a forensic examination of officials by Committee members from the area, particularly Claire McGill, and it was instructive to hear how the situation had arisen. The Committee has given the issue a good airing, and, when the Hansard report of the meeting is published, Members will see that a good 40 minutes were set aside for it.

I am concerned by the lack of adequate consultation with local representatives. Regardless of the merits of the decision, the change has implications for three council areas.

Therefore, the least that should have happened was that the commissioning board or the trust — I am not certain which — should have consulted the three councils on whether they realised that there would be major changes to their out-of-hours service. That would have made councillors better informed about but not acquiescent in the decision.

One of the benefits of my extra-curricular activities is that I know the area around Strabane, Limavady and Londonderry quite well. I know the geography and understand the prospect of having to rely on a GP to drive from Strabane to Limavady. That is a dreadful journey. There is no main route, and the road infrastructure is poor. The choice is to drive through the mountains via Donemana or find an alternative route, perhaps via New Buildings. If I were to require that out-of-hours service in the middle of winter, I would not like my life to depend on a GP who had to make that journey. Therefore, the local councillors and MLAs have every right to be concerned.

I became extremely worried when I became aware of the view of a hands-on clinician in the area. I will not name the individual, but I watched his slide presentation, which local representatives sent to me. The fact that he, who has been involved in out-of-hours provision, seems to be desperately worried sets alarm bells ringing.

11.30 pm

It is opportune that this debate is taking place on 22 June, which is Budget day. I have been locked in the Chamber for the best part of 10 hours, so I have no idea what happened in the Budget, but as I am a non-drinker and non-smoker, I have not rushed out to do anything rash ahead of it. However, I am certain that there will have been bad news for healthcare provision in Northern Ireland, and, sadly, we may be coming back to debate that time and again. I am concerned not only about how the decision was dealt with and the lack of consultation but about the implications that it has for vulnerable people who live in remote rural areas.

The testimony of Alderman Robinson the Member for East Londonderry is particularly telling. We are delighted to see him back to full health and strength. Indeed, I understand that his association has handed him another 30-year contract and that it will review his status after that. That is absolutely right, because, in

a year's time, he will no doubt be asking his quota of voters to form an orderly queue to return him to the House for another four years. That is good news, but, of course, he would not have been here tonight had it not been for the excellent provision that was in place already.

There is community confidence in the provision of five GPs, and that confidence is certainly not there with three GPs. We can be reasonable in understanding that there is a need for economies, so we would accept the provision of four GPs at night. The reasonable suggestion was made that the decision on the matter be postponed until September 2010 to enable the nurses to acquire the amount of training that is required to implement the new procedures.

I thank the Minister for staying on. It has been a desperately tiring day for us all, particularly for him, because he took part in a much earlier debate on the Safeguarding Board Bill. At least we have the Assembly and directly accountable Ministers who can be called to the House at, frankly, ridiculous hours of the evening to answer important questions. That shows the Assembly in action. Tonight, I will leave the Building greatly cheered, because we have made major changes for the good to legislation, and we have had an opportunity to raise an issue of local concern to Members. It is unfortunate that this debate has taken place so late because, undoubtedly, some Members from the constituency would have attended but simply could not make it.

The Minister of Health, Social Services and Public Safety:

I restate categorically my comments in the Assembly on Tuesday 15 June. I am committed to providing the best health and social care services to everyone in Northern Ireland within the resources that are available to me. That includes ensuring that people have access to essential medical treatment at all times.

On the issue of out-of-hours medical cover in the Limavady area, I emphasise, once again, that the proposed changes to the services that Western Urgent Care provides will not result in any diminution of service to patients. Out-of-hours medical services will continue to be delivered from the Limavady out-of-hours centre, as they will from other western centres. Anyone who lives in the Limavady area who requires urgent medical services during the weekend or at night will continue to receive out-of-hours

services. I repeat what I said in the House last week: that service is not being withdrawn. Patients will not experience any difference to the level and quality of service that they normally receive. I am disturbed that some Members are ignoring that fact.

Over the past few months, I have answered a number of Assembly questions on the issue. Last week, I answered a question for oral answer in which I explained the situation, yet my explanations are simply ignored. Out-of-hours GP services are available for patients with an urgent medical condition who cannot wait until their GP practice is next open, and that remains the case. It is important that Members are clear that the out-of-hours service is not, and was never designed to be, an emergency service. George Robinson talked about strokes and heart attacks, and the normal procedure for people in such a situation is to ring 999 for the Ambulance Service. The Ambulance Service in Northern Ireland, including the Limavady area, is very good.

There was scaremongering about rapid response vehicles, an issue with which I dealt a matter of months ago. We heard that there was no service whatsoever to people who live in the area. Anyone who contacts the out-of-hours service for the support provided by a general practitioner will have their calls triaged within 20 minutes by a trained nurse. Some people may require a consultation with the doctor, some may be given advice for self-care and others may be referred to the Ambulance Service.

Prior to the introduction of the general medical services contract in 2004, GPs were responsible for providing out-of-hours services to their patients. The introduction of the contract enabled GPs to opt out of providing the service, and all GPs in Northern Ireland opted out of providing the service. As a consequence, the former health and social services boards, and now, under the new structures, the Health and Social Care Board, became responsible for commissioning out-of-hours services. Out-of-hours services are commissioned from five providers in Northern Ireland at an annual cost of £21 million. It is a huge cost, and it is absolutely right that the board should look at that area and determine whether the service could be more effective.

There are around five calls a night from Limavady to Western Urgent Care after midnight,

and possibly three, but usually two, of those calls require a GP consultation. Therefore, we are employing a GP to be permanently based in Limavady to deal with two or three calls a night, at a cost of £1,000 per night. There are better ways to do that. Those two or three patients will continue to receive a consultation either at home or in the Limavady centre, but there will not necessarily be a GP sitting there dealing with the two calls — the patients may be dealt with by another GP. There was talk of a public consultation, but the service is not changing. The service will remain. The delivery of the service is largely a matter for the trust. Some changes are being made, and the Western Urgent Care management team met affected staff as a group and individually to outline those changes. The proposed changes will come in some time during the summer. The cost of delivering the service is £1,000 a night, but we plan to save £600,000 as a result of the proposed changes in the Western Trust.

For the benefit of George Robinson and others, let me say that £600,000 would pay for around 50 cardiac operations a year. Would they prefer it if I paid for a GP to sit in the Limavady out-of-hours centre to deal with two or three patient consultations either in the centre or in their own home, or would they rather that we saved £600,000, which is the equivalent of around 50 cardiac procedures, and still looked after those two to three patients, but with a GP coming from elsewhere rather than being based in Limavady? It seems to me that that is a simple question.

Billy Leonard might say that when it comes to votes for cuts, I am not talking about the micro level, but cuts are cuts. You and your party voted for cuts, Mr Leonard, not once, not twice, but three times, so do not come here and complain about changes. There will be changes, but we will not cut the service. It will continue, but it will be done in a more effective and efficient way. Do not tell me that —

Mr G Robinson: Will the Minister give way?

The Minister of Health, Social Services and Public Safety: No, I am going to continue. You have had several opportunities to speak. I am very disturbed about the way in which some of this matter has been addressed in the Limavady area. A lot of people have been upset and disturbed by the allegations that the service is being withdrawn and that the two or three patients a night in Limavady will not be seen. The service

is not being withdrawn. Those patients will be seen. We will maintain the service, but we will do it in a more cost-effective way.

I understand that one GP earns £5,000 a month as part of that service. We can save that money and still maintain the service. We are not changing; we are not taking the service away. That is not the proposal, and it never was. If we were saying that the out-of-hours service was being removed, it would be right to say that there should be a consultation, but that is not what is happening. The way in which the service is being delivered is changing. Furthermore, the reason why we are in this situation is that the introduction of a contract enabled GPs to opt out of providing out-of-hours services.

It was unfortunate that GPs took that step. The responsibility, therefore, falls on the Department and the Health Service to provide that service in other ways, through employing GPs back in. Of course, we look at the best and most effective way to use money and resources. That is exactly what we are doing.

Out-of-hours services will continue to be provided from Limavady out-of-hours centre between 6.30 pm and 8.30 am Monday to Friday, at weekends and on public holidays. Changes that have been proposed relate to services between midnight and 8.30 am only. No GP will be based on site in the Limavady centre between those hours. However, patients who contact the centre out of hours will have their calls triaged by a nurse. GP consultations will still be provided where appropriate, either through an out-of hours GP attending the Limavady centre or through a home visit. That service can be provided without having a GP sitting in the Limavady centre, particularly when there are just two or three patients each night.

Western Urgent Care will have additional GPs on call —

Mr G Robinson: Will the Minister give way?

The Minister of Health, Social Services and Public Safety: No. I will not give way to Mr Robinson because I have answered numerous questions and made the point over and over again. I do not see how an intervention at this time of the night will help him along the road.

Western Urgent Care will have additional GPs on call. They can be used to support Limavady out-of-hours service should there be an unexpected

increase in demand. If the two or three patients who contact Western Urgent Care out of hours between midnight and 8.30 am require a GP consultation, they will get it. If they require a consultation at the centre, they will get it. If they require it at home, they will get it. That service is provided not only in Limavady but in the Western Trust area. The Department endeavours to provide that throughout Northern Ireland.

That is the situation. We can provide that service to two or three patients in Limavady each night more cost-effectively. By year 2, we could save an estimated £600,000 per annum. That is equivalent to around 50 heart operations. Would Mr Robinson prefer that a GP was sitting in Limavady and those 50 heart operations were lost, or would he prefer the 50 operations? He talks about lives being in danger. Situations in which lives are in danger are emergencies. In emergencies, patients should call 999 for an ambulance.

Let me say that the Ambulance Service in Northern Ireland is excellent. It is excellent in Limavady. Despite scaremongering that was going on a few months ago about changes that I made to rapid response vehicles and the Ambulance Service, there have been no changes or hours withdrawn in Limavady.

Adjourned at 11.43 pm.

