

# Official Report (Hansard)

Wednesday 15 December 2010  
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Wells, Jim (South Down)  
Wilson, Brian (North Down)  
Wilson, Sammy (East Antrim)

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# Northern Ireland Assembly

Wednesday 15 December 2010

*The Assembly met at 10.30 am (Mr Deputy Speaker [Mr McClarty] in the Chair).*

*Members observed two minutes' silence.*

## Assembly Business

**Mr Deputy Speaker:** The Speaker has been notified this morning by the Minister for Social Development that he will not make his planned statement on housing responses in times of need today but proposes to do so in the new year.

## Ministerial Statements

### **FM/DFM: Brussels Visit**

**Mr Deputy Speaker:** I have received notice from the Office of the First Minister and deputy First Minister that the deputy First Minister (OFMDFM) wishes to make a statement.

**The deputy First Minister (Mr M McGuinness):** First, I apologise to Members for not having available for them a copy of the statement. Last night's very late negotiations impacted on our ability to deliver that in a timely fashion, and I humbly apologise to all Members. Hopefully, by the time I have finished my contribution, that statement will be available in printed form.

With permission, I would like to make a statement on a programme of high-level meetings held recently in Brussels, which included a meeting with the President of the European Commission, José Manuel Barroso, and the President of the European Parliament, Mr Jerzy Buzek. The visit's purpose was to engage politically at the highest level in the European Union to renew the unique relationship with European institutions that we have enjoyed and benefited from in recent years. More specifically, the visit was to make the case for continued support from the EU for the region.

During the visit, we also welcomed President Barroso to the Executive's offices, where he joined the First Minister and me in opening those new premises. The new offices will ensure that we remain at the heart of Europe, taking full advantage of the goodwill that we have generated and the relationships that we have developed.

A programme of meetings and events in Brussels took place on 8 December and 9 December 2010. They included meetings with the President of the European Parliament, Mr Jerzy Buzek;

Mrs Danuta Hübner MEP, Chairperson of the European Parliament's Regional Development Committee; Commissioner for Research, Innovation and Science Máire Geoghegan-Quinn; Commissioner for Regional Policy Johannes Hahn; and MEPs Jim Nicholson and Diane Dodds. Apologies were received from Bairbre de Brún MEP who was attending the climate conference in Mexico.

We also met ambassador Lebrecht of the UK Permanent Representation to the EU; ambassador Montgomery, from the Permanent Representation of Ireland to the EU; and José Manuel Barroso, the President of the European Commission.

On the evening of Wednesday 8 December, the First Minister and I hosted a dinner in the Executive's office in Brussels, which was attended by a number of Invest NI clients. Those companies were represented at senior executive level and comprised those representing significant existing investors in our economy and potential investors drawn from the information and communication technology (ICT) sector, with a particular focus on financial services.

There can be no doubt that the European Union, with its responsibility for legislation, cohesion policy across 27 member states and billions of euros in funding programmes has and will continue to have a very significant influence on our lives. In the past 20 years, it has contributed over €2 billion through structural funds and programmes, including the Peace programmes that supported the peace process. President Barroso invested personally and politically in that process when, in 2007, he was the first European leader to visit us at the time of the restoration of the devolved institutions. That was to underline his support and that of the EU for the political process at a pivotal time in our political and economic development. He established and gave his name to a task force whose job was to provide us with a route map to better and more effective engagement with the European Union and to exploiting the opportunities that that represented.

In general, our visit to Brussels provided us with an opportunity to outline at the most senior levels in the EU the achievements of this Administration in approaching the end of an uninterrupted period of governance. We expressed our particular concerns about the impact of the recession in jobs lost in the

economy and unemployment and the difficulties that are faced by sections of society that have not yet enjoyed the benefits of peace and were at risk of being left behind. We also dealt with the impact that the financial crisis in the South will have in lost trade and possible contraction of the finance sector due to the restructuring of Irish-owned banks.

Throughout, we emphasised the positive contribution that the EU made to recent economic growth and, in particular, to the success of the peace process, which was underpinned to a significant extent by the financial support from Europe through the success of Peace and IFI programmes. Those continue to be of immense significance to our political and economic development.

We stressed also the unfairness of the extent of the Treasury cuts, which did not take account of decades of underinvestment in infrastructure and the disadvantage of having higher corporation tax relative to that in the South. However, although we were intent on outlining the context in which continued EU support is required, we also took the opportunity to outline the international interest in the successful peace process, which was reflected in visits from politicians and others from regions such as Afghanistan, Iraq, Zimbabwe, the Middle East and so on. We outlined our desire in general to help other regions experiencing conflict through our example in general and specifically through the establishment of the peace building and conflict resolution centre at Maze/Long Kesh (MLK) as an international centre of excellence dedicated to peace building and transforming societies.

It is now nearly four years since that significant intervention by President Barroso, and it was, therefore, important that we met him once more to express our appreciation of the work of the task force and our hope for the continued support of the EU as we strive to emerge from recession and restore the economic momentum of previous years. It was important in that context to brief the president in particular on current political and economic developments, including the agreement on establishing a centre for peace building and conflict resolution on the site of the Maze/Long Kesh prison. He was pleased at the success of this Administration in approaching the end of an uninterrupted four-year term and acknowledged the importance of the conflict resolution centre and

what we have to offer the wider international community from our experiences.

We were able to raise some specific issues with President Barroso, including the current economic and fiscal challenges here and across Europe, the potential for a Peace IV programme and IFI funding. We raised the issue of the problems faced by savers and investors in the Presbyterian Mutual Society and alerted him to the possibility of us seeking at a later date Commission agreement on compliance with state aid rules.

We are assured of the continued political support of President Barroso, who expressed his determination to keep part of the future budget to promote further territorial cohesion and solidarity. The president also confirmed that he would look constructively at any request to extend the International Fund for Ireland. Similarly, the president expressed his continued support for our peace process and was supportive of a future EU Peace programme, although he stressed that that would depend on wider budgetary discussions. In the president's view, the region is a demonstration of the added value of EU spending. In light of our general discussion with the president, we agreed that his offer to renew the work of his task force would be very welcome and would provide a valuable framework in which all those issues and more could be addressed. The president outlined his proposal further at the press conference following our formal meeting.

When we met Máire Geoghegan-Quinn, the Innovation Commissioner, we highlighted many factors that have inhibited our small and medium-sized enterprises from participating in the current research and development programme, the seventh framework programme, including the complexity of the application processes. Our meeting with Commissioner Geoghegan-Quinn also allowed us to look in more detail at how best we can draw down funds under the current and future research and development programmes. We agreed that it would certainly be in the interests of our small and medium-sized enterprises to see the process simplified, and that is the subject of ongoing consideration in the Commission.

Importantly, the commissioner offered to organise a major conference in 2011, targeting in particular peripheral regions and small and medium-sized enterprises with a view to raising

their awareness and capacity to access around €9 billion of funding, which will be the subject of the next call for proposals in July 2011 under the seventh framework programme. It is important that we take advantage of that offer and encourage our businesses and academic institutions to become involved. Máire Geoghegan-Quinn also encouraged us to participate in the shaping of the eighth framework programme, which is currently under consideration.

With President Buzek and Danuta Hübner, we sought to secure the support of the European Parliament on issues that impact directly on us, including the European Parliament's consideration of a future cohesion policy, a possible extension of the International Fund for Ireland and a Peace IV programme. When we met Commissioner Hahn, it was clear that, notwithstanding budget pressure, Europe is with us for the long haul as we move from conflict to peace and prosperity for all. Commissioner Hahn has no doubt that the EU has played a key role in peace building and cross-border activity and that we are a shining example to others in Europe and throughout the world. However, he also realises that the job is not done and that further support is needed, particularly to deal with the problems facing our disaffected youth and to tackle the legacy of conflict and division. Commissioner Hahn kindly offered a place in his department for a national expert from here to gain experience in the Commission, which will complement the help that he has already provided through lending us a member of his staff to work on the task force. Those things are particularly important if we are to keep in touch with developments in EU funding.

In summary, Mr Deputy Speaker, the European Union is vital to our future interests. Economic recovery will be driven to a large extent by innovation and our future success at drawing down research funding, which are, therefore, essential. Equally, as we enter a period of negotiation on future cohesion policy, we must put forward as strong and robust a case as possible, while making it clear that we have a great deal to offer the wider international community on the basis of our experience of peace building and conflict resolution.

#### **10.45 am**

In the space of two days, we managed to engage with senior political figures at the highest level



in the European Union, raising their awareness and understanding of our regional position and, thereby, gaining significant agreement in principle for continued support through instruments such as the International Fund for Ireland and the structural funds. We continue to have President Barroso's personal support. That is reflected most significantly in his renewal of the work of the Barroso task force, which should meet in early 2011 to take stock and identify emerging opportunities.

We believe that the outcome of the meetings has been consistently positive and will significantly help our prospects in forthcoming negotiations on areas such as CAP reform, cohesion policy and more general decisions about multiannual budgets for 2013-2020. We are also confident that the prospects of securing an extension of the International Fund for Ireland are greatly enhanced as a result of the meetings. The role of the Executive's office in Brussels will be pivotal in that work by maintaining a constant and close relationship with the directorates general, MEPs, the Committee of the Regions and the European Economic and Social Committee, all of which are working on our behalf and whose assistance we recognise.

The work of the task force is now more important than ever, and it is vital that we recommit our energies to it. We must build significantly on our engagement with Europe to fully realise the potential for sustainable economic growth. We also have much to offer, through our own experiences, to help other nations that are interested in engaging with us about how conflict is resolved.

We were particularly pleased that President Barroso joined us in the opening of the Executive's new offices. That was a sign of his recognition of the importance of our presence in Brussels. We thank the president and his commissioners, President Buzek and the European parliamentarians and ambassadors who made themselves available. We also express our thanks to the staff of the Executive's office in Brussels, Invest NI and all those who helped to make the two days in Brussels a success.

**Mr Spratt:** I thank the deputy First Minister for this morning's statement. Will he outline whether he believes a Peace IV fund is a realistic prospect after the discussions in Brussels?

**The deputy First Minister:** The First Minister and I were certainly impressed by the very strong and warm reception that we received at all levels in the European Parliament. There is no doubt that there are many other regions throughout Europe that would envy the access that we had to the very highest levels. From our engagements with President Barroso, Máire Geoghegan-Quinn, Commissioner Hahn and former Commissioner Hübner, it was clear that they are all still very much engaged with and supportive of the ongoing contribution that we have to make to the development of Europe. We were encouraged by what we heard about President Barroso's commitment to the International Fund for Ireland and the Peace IV programme.

It also became clear during our engagements that a big debate is obviously happening in European states about their own budgets. That is a state of negotiation that will continue over the the coming weeks and months. We were obviously there to lobby on our own behalf, and we were certainly allowed to do that. However, it was clear that many people thought that they had the opportunity to lobby us to get us to influence others about their contribution to the European Union. In short, we were very encouraged by what we heard. However, the outcome of those programmes will depend on the outcome of the negotiations that are taking place between member states.

**Mr McDevitt:** We will all welcome the news that there was warmth about the concept of a Peace IV programme. What specific proposals were put to President Barroso about a fourth Peace programme? How much was bid for and for which areas of social or economic development in this region is money being sought?

**The deputy First Minister:** This is an ongoing process between us and the European Union. At this stage, suffice it to say that we recognise that a lot of Europe's approach to our moving forward substantially on the issue of Peace IV and the continuation of the International Fund for Ireland will depend on what it hears from other areas. For example, we all know that, at present, the Committee on Appropriations in the United States is dealing with the issue of the contribution that the US may make to the International Fund for Ireland.

**Mr McDevitt:** What about Peace IV?



**The deputy First Minister:** I am coming to Peace IV, if the Member will be patient.

**Mr McDevitt:** My question was about Peace IV.

**The deputy First Minister:** I know that it is not easy for the Member to be patient or, indeed, courteous. If he is looking for an answer, he would do well to behave himself.

We are involved in ongoing discussions about Peace IV. The engagement between our representatives, headed up by the junior Ministers in the Office of the First Minister and deputy First Minister, and the Barroso task force when it arrives early next year will be critical. We can all take great heart from the fact that President Barroso relaunched the task force during our visit. That will allow us to engage, in a concrete way, in making our own proposals, all of which will be ready for the task force's visit when it arrives here early next year.

**Mr Molloy:** I thank the deputy First Minister for his statement on the Brussels visit. I hope that he agrees with me that the role of the Executive's office in establishing an Assembly and Executive presence with the European Union in Brussels is very important. Will he also agree that the various Departments did not fully exploit the Barroso task force and its report in the past? What steps can be taken to ensure that the relaunched task force will have input from all Departments to maximise the money available from Europe?

**The deputy First Minister:** The Member raised an important point. We always have to be willing to review continually our connection with Europe, particularly when it comes to opportunities that clearly present themselves as a result of an ongoing engagement. I certainly think that there are lessons to be learned, and I do not think that anybody in the House would argue that we have been able to maximise the potential of what is available through our connections with Europe.

The other difficulty that we have to recognise is that the ability to influence Europe depends on the number and quality of people that we have available to engage in that important work. The staffing levels in the operations of other regions of Europe, including, for example, Scotland, show that they invest far more funds in the level of their representation. That gives them an edge over us. When we were in Brussels, the First Minister and I had discussions between

ourselves about how we could improve our operation there. As a result of our visit, we are now seriously contemplating how all Departments in these institutions can up their game in accessing the funds that are clearly available and will be available if we make proper presentations in a way that exploits the funds that will come for the benefit of our people. For example, Commissioner Geoghegan-Quinn has chief responsibility for innovation in the European Union, and our engagement with her and all the people around her made it obvious that they are more than willing to assist us. We would do well to take up the offer from Commissioner Hahn to accept one of our representatives on to his team, given the important lessons that we would learn about improving our performance.

**Dr Farry:** I thank the deputy First Minister for his statement, and I congratulate him and the First Minister on the fast turnaround on both statements. I am sure that the deputy First Minister will agree that there is still considerable goodwill in Europe towards Northern Ireland.

Therefore, is there a trade-off to be had in the sense that, although the European Union can still assist Northern Ireland, Northern Ireland also has an obligation to assist the European Union, particularly in areas of conflict? Does the deputy First Minister see the potential for the Executive and the Assembly to help other conflict or post-conflict regions in Europe, such as Kosovo, in any way? Was that discussed with the president of the Commission?

**The deputy First Minister:** From the first time that President Barroso arrived here prior to the restoration of these institutions in 2007, he was very taken by the enormous political transformation that had occurred here as a result of the peace process. He made it clear at a very early stage that he thought that many other areas throughout the world — he obviously has a particular interest in the situation in Europe — could benefit from our experiences. Therefore, at a very early stage in the process he put on record his and the European Union's support for the construction of a peace building and conflict transformation centre on the Maze/Long Kesh site, and he reiterated that support in the course of our engagement. At the moment, we are preparing our application for those funds, which could be anything up to £20 million. That application will be presented

in January. We hope for an early response to that, but it is clear from our engagement that President Barroso is onside. He is not alone in that; other people we met shared that view.

President Barroso thinks that we can make an enormous contribution, which is highlighted by the number of representatives from different conflict situations throughout the world who have arrived here in recent times. As I said, very large delegations from Iraq and Afghanistan have visited, as have people from Sri Lanka, the Middle East and other conflict situations throughout the world. It is not just President Barroso who thinks that we have something to offer. Just as importantly, people who have been involved in those conflicts believe that we have something to offer. The case is compelling.

**Mr Ross:** I know that the deputy First Minister and the First Minister visited Brussels last week to open the Office of the Northern Ireland Executive. I and some other Members were over with the Assembly and Business Trust the week before, and we received a briefing from the Northern Ireland Executive's European office. It is fair to say that we were somewhat underwhelmed by that presentation. Will the deputy First Minister give us an assurance that his Department will ensure that the office in Brussels is a lot more proactive than it is at the moment and engages with European commissioners at a very early stage of legislation to make sure that it feeds information back to the Executive and to the Assembly on any legislation that may impact on Northern Ireland?

**The deputy First Minister:** As I said, the First Minister and I believe that there are important lessons to learn from our ongoing engagement with Europe. There is no doubt that we have the ability to up our game and improve performance, and we are determined to do that. Therefore, we are reflecting on the visit.

The offices are second to none; they are very impressive. During the past couple of days, they have been used by the Agriculture Minister and her team extensively as they tried to minimise the impact of cuts from Europe on our fishing fleet. I want to record our appreciation to her and her team on securing what appears to be a successful outcome on behalf of the fishing industry. However, the Member has raised an important point, and there are lessons to be learned. We can improve our performance and

up our game, and we fully intend to further consider how we can do that in the days and weeks ahead.

**Mr Givan:** Northern Ireland has benefited from European funding for many years. Does the deputy First Minister believe that the task force is delivering and will continue to deliver?

**The deputy First Minister:** Yes; there is no doubt about that. The fact that President Barroso reiterated his intention that the task force should continue its work is very important. The task force is the embodiment of the goodwill towards the peace process here that exists at the highest level in the EU.

As we all know, the president created the group of Commission staff who benchmarked our participation in EU matters against a number of regions and made suggestions about policies and funding that might be of interest to us. The task force remains available to provide advice and guidance on EU policies and their application to our circumstances. In the view of the First Minister and I, that help is vital because it opens doors for Ministers and officials in any of their dealings with the EU and makes for better and more effective engagement.

#### 11.00 am

We look forward with some considerable interest to the another visit by the task force early next year and to real engagement with it. If we exploit the access that we have to the EU, it will bring, undoubtedly, huge benefits for our Departments, SMEs, business communities and, indeed, for our entire community.

**Mr Beggs:** I thank the deputy First Minister for highlighting to the Commission the positive role that the International Fund for Ireland and, indeed, Peace funding have played and the important role that structural funding and the Commissioner's task force can play in seeking future funding. In the course of that engagement, did the deputy First Minister or the First Minister express concern at the disproportionate level of the fine of over £60 million that has been passed to the Northern Ireland Executive from the EU as a result of Department of Agriculture and Rural Development (DARD) mapping errors?

**The deputy First Minister:** Inevitably, that matter came up in our conversations. As we all

know, a process of appeal is in place. DARD officials and the Minister are dealing effectively with that appeal. The process has not yet ended, and we await the outcome.

**Mr A Maginness:** I welcome warmly the report that the First Minister and the deputy First Minister presented to the Assembly. It probably represents a move from being Europhobes to being Europhiles. I emphasise the importance of giving resources to the Executive office in Brussels. Will the deputy First Minister reassure the House that, where they are required, additional resources will be given to that office and that there will be no undermining of that office given our difficult financial circumstances?

**The deputy First Minister:** As I said in response to earlier questions, we are reflecting on our operation in Europe and on our Department's relations with Europe. It will not be lost on the Member that, over the course of the past three and a half years, the Executive have been proactive in our engagement with Europe and have put on record repeatedly our appreciation for the support that we have received from Europe over many years.

Without going off on a tangent, I will say that the recent difficulties in the South have brought about a fairly frenetic debate about the relationship between Europe and the Irish Government, particularly on the arrangements for the recent bail out. Without going into the detail of that, many views will be expressed South of the border and in the North about the ongoing relationship with Europe in the context of the difficulties that are being presented.

Our position is clear. It is important to have a positive and constructive working relationship with Europe. There are huge funds in Europe, and, more than that, there is huge goodwill in Europe for what has happened here. Based on our visit to Europe, we are quite clear that there is an ongoing dedication and commitment to assist us in the time ahead. We would be foolish politicians if we were to ignore that or pass that up, and we have no intention of doing so.

**Mr Kinahan:** I welcome the deputy First Minister's statement. He mentioned that the Presbyterian Mutual Society issue might be raised at a later date, but now that we are in the midst of the draft Budget and the discussions with it, will the deputy First Minister raise that matter with Europe immediately, and how does he see that working out?

**The deputy First Minister:** Although we have had discussions about that in the course of our engagement, the situation in relation to Europe will come into play only when we have settled our Budget. We worked very late into the night last night, our Budget review group met yesterday, and the Executive met yesterday and agreed to put out for consultation a draft Budget, all of which propels us along the road. We all understand the great stress and difficulty that is being inflicted on savers, many of whom are small savers, very elderly and very dependent on their savings for care packages and other necessities of life. We understand the importance of moving as swiftly as we possibly can. In the past 24 hours, we have taken a huge stride forward. We very much look forward to the consultation process. Over the next number of weeks, that process will allow everybody to have their say on the budgetary decisions that we have made.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle, Ba mhaith liom buíochas a ghabháil leis an Aire as an ráiteas sin.

Pursuing further the points raised by Francie Molloy and Alastair Ross, I suggest to the deputy First Minister and the First Minister that it is high time for all Departments in the North to place senior officials in Brussels on a permanent basis to network more, to track legislation at an earlier stage, to gain an understanding of funding opportunities and to exploit potential. It is my understanding that, at this point, only two of the 12 Departments — OFMDFM and the Department of Agriculture and Rural Development — have permanent representation in Brussels.

**The deputy First Minister:** The Member raises an important point. In the course of reflecting on how we can improve our performance in the time ahead, it will, no doubt, be very useful for Members to put forward their ideas and suggestions, which we will then consider.

Since moving into the new premises, we have been able to accommodate a wider range of events and a much larger number of visitors. For example, the Brussels office has received around 1,500 visitors since it was moved to new premises in December 2009, which represents a significant increase on the same period in other years. Over the past year, the office has facilitated visits by seven groups from the Assembly, including officials from OFMDFM

and DARD, the Committee for Enterprise, Trade and Investment, the Assembly Commission, a delegation of Assembly Clerks and the Assembly and Business Trust, which was there on two occasions. Minister Empey, Minister Murphy and, more recently, Minister Gildernew have all been there. Local organisations from the public and private sectors have used the new offices to host meetings and to hold events and they have attended presentations by our staff and other EU representatives. Those organisations include Belfast City Council, the Ulster Farmers' Union, the PSNI, Harland and Wolff, the Local Government Association and Queen's University, Belfast.

There is no doubt whatsoever that people see the value in engaging with Europe. As I said, the challenge for us is to see how we can further exploit the potential that is clearly there. Undoubtedly, the suggestion made by the Member will be considered along with, I hope, many more suggestions in the weeks and months ahead.

**Mr Callaghan:** Go raibh maith agat, a LeasCheann Comhairle, Go raibh maith agat as an deis seo labhairt.

The Minister referred to the bailout in the South in which the European Commission was the central player. The statement also rightly refers to the impact that the financial crisis in the South will have through lost trade. Obviously, the bailout was an attempt to deal with that crisis. When he was in Brussels, did the deputy First Minister take the opportunity to express to President Barroso his abhorrence at the bailout in the Republic? What effect does he think that such a position will have on the huge amount of goodwill that he claims still remains there for this Administration?

**The deputy First Minister:** I know that the Member is new, but I must remind him that I was in Brussels as the deputy First Minister. I was not there to represent a political party but to fulfil my duties and responsibilities along with the First Minister, and the invitation to enter into that debate — *[Interruption.]*

I notice that, whenever I speak, the unelected Member for South Belfast, Conall McDevitt, always has a smirk on his face and says that he is curious. I will allow him to be more curious in the time ahead.

## British-Irish Council Summit

**Mr Deputy Speaker:** The Speaker has received notice from the Office of the First Minister and deputy First Minister that the First Minister wishes to make a statement.

**The First Minister (Mr P Robinson):** Mr Deputy Speaker, in accordance with the requirements of the Northern Ireland Act 1998, I wish to make the following report on the fifteenth summit meeting of the British-Irish Council (BIC), which was held in the Isle of Man on Monday 13 December 2010. All Northern Ireland Ministers who attended the summit have agreed that I should make this statement to the Assembly on their behalf.

The Isle of Man Government hosted the summit, and the heads of delegations were welcomed by the Chief Minister of the Isle of Man, the honourable Tony Brown MHK. The Irish Government delegation was led by the Taoiseach, Mr Brian Cowen TD, and the British Government delegation was led by the Deputy Prime Minister, the Rt Hon Nick Clegg MP. The Welsh Assembly Government were represented by the Deputy First Minister, Mr Ieuan Wyn Jones AM. The Scottish Government were represented by the Minister for Culture and External Affairs, Ms Fiona Hyslop MSP. The Government of Jersey were led by the Chief Minister, Senator Terence Le Sueur, and the Government of Guernsey were led by the Chief Minister, Deputy Lyndon Trott.

In addition to deputy First Minister and me, the Northern Ireland delegation consisted of Minister Wilson, Minister Poots, Minister McCausland, Minister Kennedy, Minister Attwood, Minister Ford and junior Minister Newton. A full list of participants is attached to the statement that was, I hope, provided to Members.

The British-Irish Council plays a unique and important role in furthering, promoting and developing links between its member Administrations through positive, practical relationships and in providing a forum for consultation and co-operation on east-west issues. Member Administrations consult, discuss and exchange information with each other on matters of mutual interest within the competence of the relevant Administrations.

The summit provided an opportunity for a substantive discussion on the current economic developments that are affecting the member Administrations, including Ireland's entry into a



programme of international financial support, the Irish Government's four-year national recovery plan and their 2011 Budget. The UK's spending review and public expenditure reductions were also discussed, and the Council consulted on the actions being undertaken across all the Administrations to endeavour to stabilise public finances, repair banking systems, cut costs and boost employment. The Council acknowledged that member Administrations continue to face serious challenges. It agreed that the sharing of information and knowledge on the measures and actions being taken was invaluable, as member Administrations seek to rebound from current economic challenges.

The Council welcomed the discussion paper prepared by the BIC digital inclusion work stream. That paper highlighted the importance of a digitally inclusive society, as citizens increasingly communicate, transact and access information online. The Council was updated on activities in the area of digital inclusion in the respective Administrations and approved the future work plan of the digital inclusion work stream. That work plan focuses on developing a body of knowledge and best practice around programmes to support digital inclusion; looking at how digital inclusion can deliver public cost savings; identifying and sharing cost effective ways to encourage and to facilitate more widespread engagement of those who are digitally excluded, including through the involvement of all key stakeholders; and sharing statistics and other relevant information across Administrations.

The Council discussed the progress on arrangements for the establishment of a BIC standing secretariat and considered a number of operational details relating to the establishment of the new secretariat, including its functions and staffing arrangements.

The Council also approved a cost-sharing model to apportion the running costs of the new secretariat, once established, across member Administrations. The Council considered the draft running-cost budget for the secretariat, which was proposed by the First Minister of Scotland, and noted the necessity for value for money and efficient management of resources. The budget was agreed in principle, with a recommendation that it should be reviewed annually.

### 11.15 am

The Scottish Government undertook to bring to the Council a further proposal detailing the most cost effective accommodation available in Edinburgh to accommodate the new secretariat once an opening date is agreed by member Administrations. The Council tasked the BIC co-ordinators group with taking forward further work on the development of a number of new administrative procedures for the secretariat, including appropriate arrangements for governance and accountability.

In conclusion, the Council agreed that the first BIC summit of 2011 will be hosted by the UK Government. The Council also agreed that BIC co-ordinators will examine the practicability of setting a fixed pattern of dates for future summits and that a summit meeting will take place in Derry/Londonderry in 2013 to mark the year of culture.

**Mr Spratt:** I thank the First Minister for the statement. Has a schedule for future summit meetings been agreed? Does the First Minister support the setting of a fixed pattern of dates for such meetings?

**The First Minister:** It is helpful to have a fixed pattern of dates for BIC meetings. Everyone recognises that if we are to have a number of Ministers present, depending on the work streams of a BIC summit meeting, they will require as much notice as possible. Therefore, it is helpful to have as much knowledge as possible about the venues and dates of the meetings. However, we must take into account that elections in various jurisdictions can mess up that programme.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Regarding digital inclusion, can the First Minister confirm whether the campaign to ensure the wider availability of 3G coverage outside the greater Belfast area was discussed? If it was not, will he undertake to raise the matter at future meetings? May I also hear a little bit more about the community development practitioners and policymakers' seminar on minority and lesser-used languages, which was held in Belfast, and about the local groups that were involved?

**The First Minister:** On the last point, although there was a work stream report, it was not discussed at the BIC meeting. I will ask the

Minister to speak to the Member on that issue in a language that they both understand.

The issue of 3G may relate to mobile phone masts, so I will be careful not to intrude on the business of the Finance Minister. We have 100% broadband accessibility across Northern Ireland, although there are indicators that it is a little shaky in some places. However, we are moving to the next generation of broadband in Northern Ireland. Indeed, we are probably in the lead for broadband coverage in the whole of Europe. As the Member will know, we have moved on with Project Kelvin, which gives us an unequalled data transfer rate into North America and Europe. We are well in the lead in those matters. It is important that we have 3G and broadband accessibility to the highest degree possible right across Northern Ireland. The Finance Minister has responsibility for those issues and can continue to take the matter up with the telephone companies.

**Mr K Robinson:** I thank the Minister for his comprehensive statement. I acknowledge the wide range of subjects that it covered. However, looking down the list, I notice that all the other Administrations brought one, two or three members to the table, while we brought eight Ministers and one junior Minister. Is there any reason for the preponderance of members that we seem to have had at the table? Furthermore, how many advisers and civil servants were in the Northern Ireland deputation? I was beginning to wonder whether our deputation had to row from here to the Isle of Man and needed a full crew to get the ship there.

**The First Minister:** We did not want to exclude the Member's party. One of his party's Ministers wanted to be present even though he was not speaking on any specific business. That was also the case with the Ministers from the SDLP and the Alliance Party.

The First Minister and I are content to go along to such meetings without other Ministers. However, to be inclusive and to encourage the other political parties that are involved in the Executive, we have widened our representation. As soon as representation is widened with Ministers, it is widened with their support staff. We are very happy to look at who goes to the meetings, but we do not want to exclude the Member's party.

**Mr A Maginness:** I welcome the First Minister's statement, which was very comprehensive and

interesting and covered a wide range of different issues. There seems to be a lack of focus in the sense that I do not detect the First Minister and deputy First Minister's priorities for the BIC, which is a very important institution. Will the First Minister outline OFMDFM's priorities for the BIC?

**The First Minister:** They are no different to our priorities for the North/South institutions, which are to improve our relationships, increase our knowledge base, increase our understanding of each other and learn from each other. That is the whole idea of the network that is being built. The purpose of the east-west relationship is no different to that of the North/South one, which is to encourage better co-operation and greater understanding.

**Dr Farry:** I thank the First Minister for his statement. With regard to the section of his statement on the economy, does he see the potential for the BIC to act as a nucleus through which the various regions of the United Kingdom can provide an effective challenge to the UK Government on regional policy or, more appropriately, the lack of a proper regional policy? That would lead to a situation in which the different interests of the regions are respected instead of the one-size-fits-all approach from the UK Government?

**The First Minister:** In response to the previous question, I said that the purpose of the body was to get greater co-operation and mutual understanding. I will not follow that by saying that it can facilitate a gang-up against the UK Government, which is, effectively, what is being suggested.

Of course, there will be areas of commonality between the devolved legislations, perhaps less so among the Crown dependencies, when it comes to the British-Irish Council. However, the body provides us with the opportunity to speak to each other, particularly on the margins. Although the statement deals with the formal business of the BIC, much of the useful business is done in the meetings that we have over lunch or before or after the various sessions. That is the opportunity that we have to lobby the Government on certain matters.

Under the BIC and the Joint Ministerial Committee (JMC), we have procedures for challenging the Government if we feel that we have been dealt with unfairly. By and large, the BIC allows us to see where there is a common approach with other Administrations. Very often, that common

approach is found across all the participants, rather than the devolved Administrations being on the one side and the UK Government being on the other.

**Mr Ross:** I thank the First Minister for his statement. I listened carefully to it, particularly the part about the standing secretariat. It seems that the only remaining decision to be taken by the BIC is on when it will start business. Will the First Minister confirm that and tell the House what next steps the Scottish Government will take in preparation for the establishment of the standing secretariat?

**The First Minister:** All the difficult decisions have been taken. Location was obviously going to be an issue, given the number of areas that wanted the secretariat to be based in their jurisdiction. We have settled on Scotland, and on Edinburgh. Details on the personnel who will service that office have also been agreed. We have agreed the cost-sharing elements, with the Scottish Government taking on the cost of the accommodation. We have a sharing mechanism, whereby Northern Ireland is responsible for, I think, 9% of the non-accommodation costs.

Only a starting date has to be decided, and the Scottish Administration will then work to find suitable accommodation. They indicated that if that decision is taken soon, they can probably find accommodation at half of the cost budgeted for initially. So, it is important that we get a start. All the arrangements have been agreed, except for a start date, which will probably be on the agenda for the next BIC meeting.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. I draw his attention to the housing element in the statement, and greening and improving the energy efficiency of the housing stock. I am sure that he will agree that that would also act as a stimulus for the construction industry. A good delivery model for that would be the green new deal. Was the green new deal discussed at the summit? I do not want to tread on the toes of the Finance Minister either.

**The First Minister:** I am very supportive of the green new deal and I hope that it will be moved forward in Northern Ireland. It was discussed by some participants, perhaps not at the session, because some discussions took place in the margins. It is a mechanism that has not only environmental benefits but employment benefits. Significant work could be carried out

in the construction industry, which is suffering. However, I will leave my colleague the Finance Minister to say more about that shortly.

**Mr Easton:** I thank the Minister for his statement. Will he outline the extent of the relationships that are being developed and built up with the BIC?

**The First Minister:** We have a number of mechanisms. The BIC is one of them, and the North/South Ministerial Council and the Joint Ministerial Committee are others, where, on a regular basis, we meet Ministers from other devolved regions and jurisdictions. That contact, which is also at official level, because our officials accompany us and meet those from those jurisdictions, assists us to indicate policy issues that we want to push forward, and gives us the opportunity to indicate the difficulties that we are having with our own budgetary matters with Her Majesty's Government.

One builds up those contacts on a regular basis, and they prove very valuable. There are also very few occasions when we go to those meetings without coming back with some benefit. For instance, we had discussions in the margins with other members about corporation tax. We were envious of the Isle of Man's arrangements. Members had discussions on that matter with Owen Paterson, and we found out what was happening with corporation tax in other areas.

We had a series of discussions relating to the Budget, when we addressed the proposals put forward in Wales and Scotland. I am delighted that although Wales and Scotland may have had their Budgets agreed before ours, we come out better, because Scotland's is a one-year Budget, and ours is a four-year Budget. Wales simply dispersed the money that was allocated to it under the block grant, whereas we have significantly added to that with regard to our Budget.

Although we may have been the last of the three out of the blocks, I think that our job has been much more beneficial to the community as a whole, because we have produced a four-year Budget, which will have significant additional revenue streams.

### 11.30 am

**Mr Kinahan:** I thank the Minister for his statement. I note that marine issues were very much part of discussions in the environment section. Given



that Northern Ireland is well behind in setting up its own marine management structure, will the UK be introducing a pilot project that includes Northern Ireland in its management plan?

**The First Minister:** Clearly the statement available to Members is a fuller statement than that which I gave to the House, because I took out all of those issues, as they were not discussed. Reports were compiled by the work streams on those issues, but there was no discussion of them at the BIC meeting. I will pass on the Member's comments to the Minister involved and ask him to respond.

**Mr McDevitt:** Further to an earlier question about the size of the delegation, could the First Minister please inform the House of the cost of the meeting to the Northern Ireland Executive? What was the cost of getting everyone there, getting them back, putting them up, and so on?

**The First Minister:** I wonder does the Member seriously believe that a few days after the BIC meeting, somebody has been sitting counting up the columns to find out how much it cost. I will tell him what the cost would have been if we had not been there: we would have lost out in our relationship with the other Administrations. It is vital that we attend. If his Minister did not want to go, he could have stood down from being on the visit. I note that while he was there, he did not have any role to play in the meeting. But as I said, I think that it was in response to Mr Beggs, it is important that we are inclusive and bring in all the other parties in the Executive, so that they are aware of what takes place at the meeting and have the opportunity in the margins of the meeting to talk to other Ministers. If other parties do not want to be present, they do not have to be. The deputy First Minister and I do. The Member can put down a question on costs, but the answer is that it is good value for money.

**Mr I McCrea:** I thank the First Minister for his statement. One of the key elements of the BIC is the exchange of ideas and information between the different member Administrations. Will the First Minister outline whether, at that meeting of the BIC, the Northern Ireland Ministers were able to learn anything from the other member Administrations that could be of assistance to us in dealing with the challenges ahead?

**The First Minister:** I have given one example already, in relation to corporation tax, but I will

give another. I know that, in the margins, the Minister for Employment and Learning spoke to people about tuition fees. I had discussions about tuition fees and how that issue was being handled in Scotland and Wales. A considerable number of comments were being made about Nick Clegg's involvement in the summit and about tuition fees, although we do not intend to learn from that particular lesson. Such issues are dealt with in the margins and that is helpful, not only by increasing our understanding but in shaping and forming our policies.

**Mr Beggs:** The First Minister reported that marine renewables were discussed by the BIC in 2010. Given the potential of marine renewable energy in Northern Ireland — I am thinking of SeaGen and the Torr Head tidal project — what issues will be discussed at the European level, as indicated in his report, in early 2011?

**The First Minister:** I am not part of the work stream that deals with marine energy and renewables. I will ask the relevant Minister to write to the Member on that issue. Again, I point out that that issue was not raised at the BIC meeting.

**Mr Callaghan:** Go raibh maith agat, a LeasCheann Comhairle. The First Minister said that one of the main purposes of the BIC was for Administrations to learn from each other. I concur with that statement. It also helps those in the wider community across these islands to learn from each other.

Given the wider migration patterns of different people between these islands, has there been any discussion, as part of the digital inclusion stream of work, on the extension of RTÉ availability into Great Britain and on ensuring that BBC availability is maintained after the digital switch-over in the Republic?

**The First Minister:** Of course, digital inclusion is about greater use of the Internet, ensuring that it is accessible to people and providing opportunities for those who have been digitally excluded to access the Internet from libraries or other sources. We received a long lecture on digital inclusion from the Minister of Finance and Personnel, who has recently learned the difference between a Brillo pad and an iPad. He proved the theory that, very often, the people who know least about a subject speak most about it. On behalf of his fellow silver surfers, he outlined the use of the Internet in Northern Ireland and targets that we have set to increase

its use from around 67% to 78% by 2014. That is the digital inclusion agenda. It is not so much about the hardware that is available; it is about ensuring that people have access and that those who have been excluded get greater use of Internet facilities.

*(Mr Speaker in the Chair)*

RTÉ was not raised at the meeting. I can say that RTÉ is available to those who have digital television, such as Sky TV, in Northern Ireland and, no doubt, in the South as well. If the Member wants to raise an issue, I am sure that the Finance Minister will be happy to hear from him when those issues are being addressed. However, they were not part of the digital inclusion agenda that we dealt with.

## **Draft Budget 2011-15**

**Mr Speaker:** I have received notice from the Minister of Finance and Personnel that he wishes to make a statement.

### **The Minister of Finance and Personnel**

**(Mr S Wilson):** I wish to make a statement on the draft Budget 2011-15. Late on 14 December 2010, the Executive met and agreed a draft Budget for 2011-15. I am grateful for the early opportunity to present it to the House. Although the draft Budget document that has now been circulated provides considerable detail, I appreciate that Members are getting copies only now. Unfortunately, that is because of the rather late conclusion of the Executive meeting early this morning.

I will now turn to the strategic context of the draft Budget. Less than two months ago, the UK spending review announcement left Northern Ireland facing its most difficult fiscal environment in decades. After years of sustained public expenditure growth, the coalition Government's proposals will result in real term reductions in spending throughout the United Kingdom.

Some people said that the agreement of a draft Budget in Northern Ireland would be the biggest challenge that the Executive may face. Many said that in such circumstances, Executive agreement on the draft Budget would be impossible. Make no mistake: the ability to agree a draft Budget in such circumstances was a litmus test for the Executive. However, I am pleased to present the Executive's draft Budget, which is not just for one year, as some cynics said that it would be just to get us through the election, but for the next four years. On that basis, the Executive can say that we have passed the test of facing up to difficult issues, looking to the future and giving people some certainty about the economic future during the lifetime of the next Assembly. It is an important day for the new devolved arrangements. It is a day when the Executive have come of age. We have proved that we can take difficult decisions and reach agreement. We have proved that we can work together to the benefit of people in Northern Ireland.

Before I turn to the detail, I thank my officials for the assistance that they have given in preparation of the draft Budget. Believe you me, there were long hours of work into the middle of the night to draft, redraft, consult, and so forth.

A lot of work has been done on the Budget by officials and advisers, and I thank them for the tireless and enthusiastic way in which they undertook the work that they were allocated to do.

The Budget is not something that can be dreamt up in a couple of weeks; it is a culmination of months of hard work and input from a wide range of people. I believe that the Budget is evidence of the growing maturity of the Executive. We sought to achieve consensus around the Executive table. That did not prove possible, but, at least, no Minister voted to oppose the Budget. I understand that with less than six months to the next Assembly election it is always possible that some may choose to play politics with the Budget, but the search for unanimity around the Executive table cannot hold back the delivery of a Budget that will allow Departments to plan for the future. We may not have a Budget that is endorsed by all five parties in the Executive, but, crucially, we have a Budget for the next four years.

Considering the difficult economic times, this is not the time to play politics with people's lives. This is a time for us, collectively, to step up to the mark and take responsibilities for the decisions that we have to take. That is what we were elected to do, and that is what I have sought to do in constructing the Budget.

In the spirit of co-operation, let those who earlier this year advocated reductions in the level of public expenditure in Northern Ireland at least play their part in helping to administer those reductions in the level of public expenditure.

This has not been a quick process, but in the most difficult of circumstances it was essential that we took our time and got it right. I believe that we have done that.

Three years ago, my predecessor as Finance Minister, Peter Robinson, declared that after years of direct rule, the Executive's first Budget had been made in Northern Ireland. Today, we face problems and challenges that are not of our making, but we have sought to produce home-grown solutions to the problems that we have faced.

The real benefit of devolution is how we react in tough times. Although the global economic downturn has dramatically changed the financial environment in which we operate, the priorities that we set out as an Executive at the start of the term remain. Our priority in this Budget is

to stimulate the economy, tackle disadvantage, protect the most vulnerable in our society and protect front line services. Members will be aware that it has been a daunting task to deliver the draft Budget. The UK spending review announcement on 20 October presented the Executive with a much reduced funding envelope for the coming four-year period. Let me remind Members of the implications of that announcement. Current expenditure resources from Treasury will decline by 8% in real terms, and capital investment resources allocated to us will decline by 40%, over the next spending period.

Rather than burying our heads in the sand, we took responsibility for our future. We argued the case for Northern Ireland at every opportunity, and, significantly, we will continue to do so, because there will be opportunities to do that. When the time came to set the Budget, we got on with it. The task confronting the Executive was to seek to enhance our spending power and to allocate the scarce resources at a time when our economy is in recession and our key public services are experiencing higher levels of demand from the public.

This has been a long and rigorous process. The Executive, through the ministerial subgroup, examined the wide range of issues directly relevant to the establishment of the Budget. I pay tribute to the members of the subgroup for the role that they played in helping to shape the Budget. The issues considered by the group included exercises to identify new sources of revenue, options for maximising receipts, constraining public sector pay, and rationalising the number and scope of public bodies. We also looked at how best to reduce bureaucracy and assessed a number of proposals for new and increased charges.

#### **11.45 am**

The outcome of that work has been incorporated into this Budget, and significant additional allocations have been made. Indeed, £842 million has been included in the proposed allocations in the draft Budget, and the remainder will be allocated over the Budget period. We have also identified a number of proposals that have some merit but need further exploration before they can be definitely included in the Budget position. The one thing that we do not want to do is to include figures in the Budget where we are not sure that the money is actually

forthcoming. We have exercised that prudence in the statement today. I know that Ministers will vigorously investigate those proposals over the coming weeks and beyond, if necessary. The capacity of the Executive and Ministers to think imaginatively in months and years ahead will play a significant factor in determining how much we can improve on the present allocations.

We are also taking significant steps to limit the pressure on public expenditure without affecting front line services. At this time of limited employment opportunity in the private sector, it is essential that we seek to protect jobs in the public sector. That is why we will mirror the UK Government's arrangements for public sector pay and put a freeze on annual inflationary increases for all those earning over £21,000 for the next two years. We are also putting a moratorium on Civil Service recruitment, other than in exceptional circumstances. I believe that there is consensus among Ministers that, in the current times, all Ministers agree to an arrangement that equates to a voluntary salary reduction.

We are also taking action on the use of consultants. In the last few years, the annual spend on consultants has been reduced from £42 million in 2006-07 to £21 million in 2009-2010, but we want to go further. For the Budget period, the Executive have agreed a target of year-on-year reductions of 10% for consultancy spend, and all proposed consultancy spend of £10,000 or more will require specific prior approval from the relevant departmental Minister. In that way, we can keep track of what is happening with consultancy spend.

In addition, the Executive will take action on arm's-length bodies, or quangos, as they are also known. The Budget review group will review all the arm's-length bodies against agreed criteria and bring a final set of recommendations to the Executive, in anticipation of a final decision in May, to facilitate a Bill to rationalise quangos early in the next Assembly term.

There are specific announcements that will be welcomed across Northern Ireland. In the last Budget, the Executive froze the domestic regional rate in cash terms for three years. We also deferred the introduction of water charges. As a result of those two decisions, the average household in Northern Ireland is £1,600 better off over the term of this Assembly than would

have been the case under direct rule. While a continued real-terms cut in the domestic regional rate is unsustainable in the present fiscal environment, I am committed to protecting household budgets. I therefore propose that domestic regional rates will only increase by inflation over the next four years. That modest increase is well below the trend for the last decade. I also announce that the Executive have no plans to introduce separate water charges during this Budget period. As a result, Northern Ireland householders will continue to have the lowest household bills in any part of the United Kingdom.

We will continue to help business too. I propose that the non-domestic regional rate should also be limited to inflation increases over the Budget period. In relation to industrial derating, I propose continuing, over the course of the Budget, with the 30% cap on the liability for manufacturing.

Unemployment has risen significantly over the past three years, and, although the rate of unemployment remains significantly below levels recorded in the 1980s, Northern Ireland is the only part of the United Kingdom where unemployment has continued to increase over the past six months. It is, therefore, crucial that the Executive react to tackle the issue wherever possible.

In response to the growing unemployment problem, the draft Budget agreed by the Executive includes funding for a package of measures to increase employment opportunities. It is essential that we attempt to maximise job opportunities to reduce the amount of time that people are unemployed. For that reason, the range of programmes and policies will focus on those sectors with the greatest scope to maximise the number of jobs created.

The current proposals include a range of measures, such as grants for business starts in neighbourhood renewal areas; contact centres; the food processing sector; social enterprise; knowledge process outsourcing; enhanced enterprise support to disadvantaged young people; and a proposed programme for export starts. The cost of the proposed package of measures is £18.8 million over the next three years, and Invest Northern Ireland estimates that it will result in the creation of around 4,000 additional jobs over that period, growing to 5,000 jobs over the longer term. The package



demonstrates the Executive's commitment to helping people in Northern Ireland through the current economic difficulties.

Corporation tax is a key strategic issue, and the Executive will have to take time to deliberate on the outcome of the UK Government's paper on rebalancing the Northern Ireland economy. I am also pleased to announce that the draft Budget includes a provision for an assistance package for the Presbyterian Mutual Society (PMS) savers.

**Some Members:** Hear, hear.

**The Minister of Finance and Personnel:** That package is financed by an additional £175 million of borrowing under the reinvestment and reform initiative in 2011-12 and a contribution of £25 million from the Treasury, which will be matched by an equal contribution from the Executive. When the proposals are implemented, that will put an end to the long nightmare faced by many PMS savers.

The most difficult decision that any Finance Minister has to address is that of resource allocation. What is a difficult task even in benign financial times has proved extremely difficult and challenging this year. Ministers have many pressures on their departmental budgets, and the bids that they advanced carried considerable merit. The key to constructing the draft Budget position was to determine the relative priorities of the Executive going forward.

Our key goal is, I believe, to put in place a Budget that facilitates economic growth and recovery. It is only through economic growth that our wider society can advance and prosper. Being able to offer people jobs, attract foreign investment and improve the skills base of our young people are the bedrock elements on which regional wealth and prosperity are founded. This draft Budget reflects that prioritisation. The current expenditure allocated to the key economic departments — the Department of Enterprise, Trade and Investment (DETI) and the Department for Employment and Learning (DEL) — will increase by 3% and 1.9% by the end of the four-year period, which will ensure that Northern Ireland is an attractive place for businesses to locate to and flourish in.

Other Departments will have an important role to play in creating future economic growth. One cutting-edge example of that is the growing contribution of Northern Ireland Screen to the local economy. Northern Ireland has a wealth of

creative talent, and the Executive recognise the positive impact that major productions have on our economy. We are committed to ensuring that quality production facilities are in place to foster that growth, and we will, therefore, allocate some £5 million to that area.

It is also essential that the Budget reflects the priorities of the people of Northern Ireland. In that regard, no service is more important than the Health Service. That is why, even in the most difficult financial situation, the Executive have agreed to afford a degree of protection to the health budget. That is why we have ring-fenced and put in place full protection for the health element of the Department of Health, Social Services and Public Safety (DHSSPS) budget. Indeed, when factoring in the efficiency targets and service reductions that will apply in other UK regions, I would suggest that the Health Service in Northern Ireland has received the most beneficial settlement anywhere in the UK. It will now be for the Health Minister to determine how best to use those resources. I expect him to put in place plans to take forward productivity and efficiency improvements in that sector. Although we are determined to continue to invest in the Health Service, investment must be accompanied by the requirement to continually improve its performance.

This draft Budget also reflects the concern of Ministers to assist those most in need in the current economic environment. The Executive will therefore set up a social investment fund, administered by the Office of the First Minister and deputy First Minister (OFMDFM), that will provide some £20 million annually to take forward specific area improvement projects in those communities. The Executive will also establish a £20 million social protection fund to assist those in severe hardship as a result of the economic downturn. That fund will have an initial allocation of £20 million in 2011-12 and will then draw on the additional new revenue streams that Ministers are to take forward.

Other initiatives in the draft Budget include a commitment to participate in the green new deal, an initiative that will leverage significant private sector investment and result in lower levels of waste, greater energy efficiency and many thousands of new jobs in the local construction industry.

The Executive have also commissioned the Environment Minister to take forward the

introduction of a plastic bags levy in Northern Ireland and, although the amount generated — some £4 million per annum — is low, it bestows significant wider benefits on the environment.

As I have indicated, there is a strong commitment on the part of the Executive to ensure that every possible measure is taken to assist the local economy. When the UK spending review was published in October, there was much comment on the negative impact that the cut in capital investment would have on our construction sector. In the light of that concern, the Executive have agreed to reclassify in excess of £250 million of current expenditure as capital investment over the Budget period. This will mean that, by 2014-15, capital spending will total some £1.5 billion, reflecting a level of spending recorded in 2005-06. Therefore, there is still a significant amount of capital projects to take forward over the next four years, and spending in that area will be well above the long-term trend. As a result of our investment, many key projects will be able to proceed over the Budget period. They include the new police and Fire and Rescue Service training centre, the Altnagelvin Area Hospital radiotherapy centre, and the sports stadiums and water and sewerage network upgrades.

In recent weeks, we have heard from those who suggest that the solution to all our problems is simply to increase taxes and charges on hard-pressed households. That not only fails to appreciate the relatively small proportion of our public expenditure that can be raised locally, but punishes those whom we are seeking to protect. It is not a path that this Executive will follow. Our priority has been to protect hard-working families, not to punish them through ever-higher levels of taxation. We have constructed a Budget to help people as much as possible in this difficult economic environment.

Budget allocations are not the end but the start of the process. Our challenge will be to deliver quality public services with the resources that have been allocated to us. This will be more difficult in the present environment than in recent years. However, I believe that we can rise to that challenge. The public consultation process will now begin, and I urge all members of the public to participate. It will not be led by the Department of Finance and Personnel (DFP), but by individual Departments, which will now publish their savings plans and spending proposals. It will allow interested parties to

provide the views that will shape the final Budget position that I will bring before the Assembly in February.

This has been a most challenging Budget process, but it leaves us with the capacity to deliver quality public services and to continue to invest in the future. We can protect the advances that we have made in recent years, such as free prescriptions and free public transport for those over 60. We will continue to have the lowest household taxes anywhere in the United Kingdom.

### **12.00 noon**

We are extending the liability cap on industrial derating for the next four years, which will protect jobs in our vital manufacturing sector. Despite the reduction in the available public spending, we continue to make the Health Service a key priority by providing it with a better budget settlement than in either Scotland or Wales.

The draft Budget honours the financial package for policing and justice by ring-fencing its budget and providing additional funding where it is most required. It delivers a much-needed package to help PMS savers. It funds the green new deal to deliver thousands of jobs across the construction sector. It funds assistance for thousands of jobs to help us through the recession.

The draft Budget will allow the Executive and the Assembly to continue to deliver for people in Northern Ireland. It shows the benefits of local decision-making for local people. It reflects the priorities of the people of Northern Ireland. It is good for families and businesses, and it lays the foundation for a better future. It also demonstrates that Northern Ireland can and will continue to move forward. I, therefore, commend the draft Budget to the House.

**Some Members:** Hear, hear.

**Mr Speaker:** Before I call Ms Jennifer McCann as Chairperson of the Finance Committee, Members will know that it is the convention that the Chairperson has some latitude in putting his or her question. However, I warn the House that more than 30 Members wish to ask a question on the draft Budget statement. Some Members may have the urge to deliver their own draft Budget statement to the House. *[Laughter.]* I warn Members that what we need from them is a focused question about the draft Budget

statement. If that is forthcoming, I believe that every Member will be able to speak. Therefore, I make it clear that I will ask any Members who deliberate too long before coming to their question to retake their seat, and I will move on to the next Member's question.

**The Chairperson of the Committee for Finance and Personnel (Ms J McCann):** Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's statement. We have not had a chance to go through the draft Budget in much detail, but I particularly welcome the revenue-raising measures that will be adopted to deliver additional allocations. I will make a few points and ask a question.

The setting up of the social investment fund to tackle poverty and to invest in areas of disadvantage and need will be welcome, as will the package of measures outlined by the Minister to increase employment in neighbourhood renewal areas, the social economy sector and the green new deal, which will also combat fuel poverty and help those in the construction industry, which has been particularly badly hit. The social protection fund to protect vulnerable people affected by welfare cuts is also welcome.

As I said, I have not had time to go into the draft Budget in detail. The Minister's statement touched on the timetable. However, on behalf of the Committee, I ask him to provide more detail on that to the Assembly and wider public? Will we all be given adequate time to fully consider and respond to the draft Budget?

**The Minister of Finance and Personnel:** I thank the Member for her comments and for welcoming certain points in my statement. Immediately on completion of the statement to the House, the draft Budget will be published, and it will be available for consultation over an eight-week period. Committees will have a vital role to play in gathering some of those consultation responses and in questioning Ministers and officials about the draft Budget.

I know that there will be the fullest interest in the draft Budget and that Members and the general public will play their part and give their views. Once those responses are in, we will deliberate on them, and, in the same way that we gave full consideration to ideas provided in the preparation of the draft Budget, we will fully consider the points that are made during the consultation period.

**Mr Hamilton:** I congratulate the Finance Minister and his Executive colleagues on achieving what some Members of the House told us on the radio just 48 hours ago could not be achieved. The Finance Minister will know of my interest in tackling fuel poverty, so I am pleased to see support for the green new deal included in the draft Budget. Will the Minister tell the House when he expects to be able to come back with final proposals for the green new deal?

**The Minister of Finance and Personnel:** First, some money is already allocated to the green new deal. A business case that is being looked at by the Department of Finance and Personnel shows the things that the money is to be spent on, the jobs that will be created, the savings to be made and the private money that will be drawn in. For every pound that we spend, I think that about £2 or £3 will come in from the private sector. So, it is good value from that point of view.

Initial allocations can be supplemented as we bring in new revenue over the time of the Budget. In the longer term, about £72 million of public money will generate about another £180 million of private money. I think that that will affect 100,000 households and create over 3,000 new jobs, probably in small local construction firms that use local materials, which is, of course, the benefit. The other aspect of this is that in doing so there is also the social benefit of addressing fuel poverty. From memory, some of the work that we did means that individual households can save up to about £300 a year on household fuel bills, which is a significant saving for individuals.

**The Deputy Chairperson of the Committee for Finance and Personnel (Mr McNarry):** The Committee has previously queried the capacity of the in-year monitoring process as a mechanism for managing significant new or unforeseen pressures, especially given that the level of reduced requirements declared by Departments has diminished. Related to that, the Committee was advised by Department of Finance and Personnel officials that an urgent review would be undertaken to consider the reliance of in-year monitoring rounds with no contingency fund —

**Mr Speaker:** I urge the Member to come to his question.

**Some Members:** Hear, hear.



**The Deputy Chairperson of the Committee for Finance and Personnel:** Will the Minister provide an update to the House on the progress that has been made regarding the reliance on the contingency fund, the creation of such a fund, and the use of overcommitment? What assurances will he give that robust systems will be in place to manage unforeseen pressures during the forthcoming budgetary period?

**The Minister of Finance and Personnel:** I thought that the Member would, first, have apologised for the disgraceful way in which he moved around radio and TV studios over the past number of days and said that there was no chance that we would ever get a Budget —

**The Deputy Chairperson of the Committee for Finance and Personnel:** *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of Finance and Personnel:** At least he —

**The Deputy Chairperson of the Committee for Finance and Personnel:** *[Interruption.]*

**Mr Speaker:** Order. The Member has asked a question. He should allow the Minister to continue.

**Some Members:** Hear, hear.

**Mr Speaker:** Order.

**The Deputy Chairperson of the Committee for Finance and Personnel:** *[Interruption.]*

**Mr Speaker:** Order. If I have to name the Member, I will put him out. The Member should take his seat. He has asked a question and he should allow the Minister to continue.

**The Minister of Finance and Personnel:** At least he might have had a bit of humility now that we have delivered a four-year Budget that achieved significant support in the Executive. Apart from the fact that some have decided to play party politics with it, we may have had far wider support.

The Member talked about a contingency fund and how tight the Budget is. If he looked at the logic of his position, a contingency fund could only have money in it if we took money out of the existing available Budget. We cannot talk about tight Budgets and then take a whack out of those tight Budgets for a contingency fund. We would have to hold on to a contingency fund until very close to the end of the financial year

in case an emergency arose, which would deny Departments the opportunity to spend that money in a planned way. Either the Budget that we have to finance is tight, or we have stacks of money to put into a contingency fund. The Member condemned overcommitment, but there is no difference between that and a contingency fund because an overcommitment means deciding to spend more money than one has and then, during the year, having to find ways to claw that back.

In-year monitoring is not a flawless process, but in the absence of hearing any other ideas about how to reallocate money and have money allocated during the year, we have to stick with it. However, as I have said and as I have made clear to the Committee, I am always happy to explore practical and workable measures. However, given the confusion in the Member's mind, I am not so sure that he has got it clear.

**Ms Ritchie:** I thank the Minister for his statement and acknowledge his hard work in bringing us to this point. Given that a four-year Budget ought to be the financial outworking of a four-year Programme for Government, when will we see that Programme for Government? Furthermore, in the absence of a Programme for Government, how did he determine the financial priorities for Departments for the next four years, noting that the Minister's own DFP budget for the next year will increase by 4.2% while the education budget will be reduced by 3.3%?

**The Minister of Finance and Personnel:** With respect to how priorities were established, we have a Programme for Government, and there is no indication that the priorities in that, namely the growth of the economy, the protection of front line services and the protection of disadvantaged people in the face of the recession, will be any different in a new Programme for Government. I notice that the Member who was out of the SDLP, but is now back in, is making faces beside the party leader. Perhaps the SDLP has different priorities. Perhaps the SDLP does not want to protect jobs and front line services or to help disadvantaged people. Those are the issues on which we reached consensus to move forward, and that is how we have spent money.

As far as the departmental allocations are concerned, the Member will know, of course, that DFP carries the costs for a wide range of central services that apply to all Departments,

including their properties and office accommodation and many shared services such as HR Connect, IT Assist and Account NI. Of course, that money for the other Departments is held in the DFP budget.

**Dr Farry:** I also thank the Minister for his statement. As an individual party, Alliance might have chosen to do things differently, perhaps even more radically. However, I recognise the fact that it is a product of a partnership and a collective effort, so, on that basis, we are prepared to give it a fair wind. In what has been agreed so far, what contingency is in place in the event that the Executive are given the power to lower corporation tax, given that we would then have to allocate resources to that?

**The Minister of Finance and Personnel:** In my Budget statement, I pointed out that we will examine the Government's paper on corporation tax when it is brought forward. If we decide to move forward on that, there will be costs to the Executive and the Assembly. We have said that we will look first at some of the revenue streams to see whether they and other means could be used to finance any costs involved in the corporation tax proposal. As we have made clear in the past, once a decision is made on corporation tax, it may mean us having to revisit the Budget. If it is decided that that is the way forward, we will introduce lower corporation tax either on a phased or an immediate basis, and the financial implications will have to be absorbed in the Budget. Of course, that has been one of the big debates, and we will have to continue to debate whether we can afford the change or whether there are other ways to finance it. I hope that those discussions will be ongoing.

Although we have decided on this Budget at this particular time, as Members have said time and again, as financial circumstances change, we should always be receptive to and work towards those changes. That is why the Budget review group will continue to look at savings, revenue-raising methods and other adjustments that might need to be made.

### 12.15 pm

**Mr McQuillan:** I thank the Minister for his statement. What consultation did he have with the other Executive Ministers during the process?

**Mr Speaker:** That is an example of a focused question.

**The Minister of Finance and Personnel:** The Member has learnt well.

During the process, we sought to make this an Executive Budget and looked to find ways to include all the Executive Ministers. I am a bit disappointed because, despite that, there have been attempts to present this as a draft Budget from two parties. It is not the draft Budget of two parties; rather, it is the product of long months of work in which all parties were involved. *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of Finance and Personnel:** I will outline the consultation for Members. First, we set up a Budget review group, which included all parties. That group had sight of the first draft paper at an early stage. Indeed, that happened weeks ago. On the basis of that paper, I had numerous meetings with individual Ministers about their departmental allocations and some of the general themes in the paper. The Budget review group met regularly and received comments and proposals from most parties. However, I think that one party did not make any proposals, but we will leave that for the moment.

There was then a new round of discussions with Ministers to make adjustments and to talk about issues such as whether we should protect the Health Service budget, whether we should have an invest to save fund and whether we should increase the regional rate in line with inflation. All those issues were discussed individually with Ministers and with the Budget review group.

Over the past two weeks, when the Budget review group was not meeting, there were discussions between parties. I kept all the parties informed about the discussions between the parties and between me and the parties. The one party that has accused me of being in some way partisan and of excluding it is the Ulster Unionist Party. However, I am sure that the Minister for Employment and Learning will acknowledge that I kept him informed and was in constant contact with him, because he thanked me for that. If he did not inform his colleagues, that was up to him. However, every party was involved at all stages of the process, and a collegiate approach was taken. I am, therefore, disappointed that some are now, maybe for political reasons, trying to distance themselves from that.

**Mr W Clarke:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. It is certainly a better and much improved draft Budget than would have been the case had we rushed into it. Given that this is a four-year Budget, I welcome — *[Interruption.]* A bit of manners, please.

**Mr Speaker:** Order.

**Mr W Clarke:** Given that this is a four-year Budget, I welcome that there is no provision for the introduction of water charges. Will the Minister confirm that that is now off the agenda?

**The Minister of Finance and Personnel:** I made it clear that the spending proposals in the Budget do not depend on and are not predicated by money from water charges.

**The Chairperson of the Committee for Education (Mr Storey):** I thank the Minister for the statement. Given his earlier comments about engagement with other Executive Ministers, I know that he sent correspondence to the Education Minister requesting a service delivery plan to clearly set out what would happen in particular Budget scenarios. Will the Minister confirm that, to date, he has not received that plan, the decision and announcement made in the House today are in the absence of such a plan, and no scenario planning has been done —

**Mr Speaker:** I ask the Member to come to his question.

**The Chairperson of the Committee for Education:** Will he confirm that no Budget scenario planning has been done by the Department of Education?

**Mr Speaker:** Order.

**The Minister of Finance and Personnel:** A number of Ministers have not yet delivered savings delivery plans to their Committees. However, when the Executive met and discussed the issue, it was agreed that, as part of the Budget agreement, savings delivery plans would be available for Committees to discuss with Ministers and officials as part of the process.

**Mr Cobain:** I thank the Minister for his statement. The Minister said that the draft Budget shows the benefits of local decision-making, reflects the priorities of people in Northern Ireland, is good for families and business and lays the foundations for a better

future. If things are as good as that, the first thing that we need to do is ask the Government to take another £6 billion out of the Budget.

A number of weeks ago, the Minister for Regional Development assured the House about the funding for the A5 and A8 roads. In view of the recent statements by the leader of the Irish Labour Party —

**Mr Speaker:** The Member must come to his question.

**Mr Cobain:** I am coming to the point, Mr Speaker. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Cobain:** I am coming to the point. *[Interruption.]*

**Mr Speaker:** Order. The Member should not challenge the authority of the Chair. Order. That applies to all Members. I warn the Member. I asked him to come to his question, and he should come to his question.

**Mr Cobain:** Thank you, Mr Speaker. In view of the recent statement by the leader of the Irish Labour Party and today's draft Budget statement, can the Minister give any assurances about the future of those two projects?

**The Minister of Finance and Personnel:** First, I will comment on the Budget and on whether it is a good Budget. This is our best attempt to address the problems that have been laid at the door of this Executive by the party that he and his colleagues —

**Mr Speaker:** Order. I ask the Minister not to point.

**The Minister of Finance and Personnel:** He and his party encouraged the people of Northern Ireland to vote for that party. It now seems, of course, that they are more Tory than the Tories. They think that because this is such a good Budget, we should have another £6 billion in cuts. *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of Finance and Personnel:** Just like any other part of the Budget, the A5 and A8 capital projects are included on the basis that finance is available. In this case, that finance is from the Government of the Irish Republic. I mentioned corporation tax. If corporation tax comes on stream and we make a decision to do that, there will have to be adjustments. If the

money is not forthcoming from the Irish Republic after the next election there, we will, of course, have to review that capital spending. That is the only sensible approach that we could take.

**Mr O'Loan:** A pupil premium has been established in England that pays approximately £430 to schools for each disadvantaged pupil. Of course, money for that will have been reflected in the Northern Ireland block. Was any bid made or money allocated for an equivalent scheme here?

**The Minister of Finance and Personnel:** It is up to the Minister of Education to decide how the spending that is available to her Department should be allocated and whether proposals should be put in place for such a scheme. The Member may have suggestions about or a desire for that. I know that the Member's grasp of economics is sometimes fairly tenuous, but he knows full well that if money is to be spent on a pupil premium, it will have to be taken from something else. It might be more useful if, when he asks such questions of and makes such suggestions to the Minister of Education, he would at least identify where he thinks the money to finance such a proposal should come from. That is a fairly reasonable question to ask, rather than simply saying that something is a good idea and we should act on it while totally disregarding its financial implications for other parts of the Budget.

**Mr Sheehan:** Go raibh maith agat, a Cheann Comhairle. We welcome the fact that there is to be further consideration of public sector pay and the annual increment increases will not be affected. However, will the Minister confirm that the withholding of inflationary pay increases is a direct result of the policies of the Tory-led Government?

**The Minister of Finance and Personnel:** We have a Barnett consequential handed down to us as a result of decisions made about pay in the rest of the United Kingdom. To have moved away from that would have meant that although some people may have had more pay, fewer people would be getting any pay. The emphasis in this Budget is on protecting jobs. The only way in which we could have financed a different pay deal in Northern Ireland would have been to take money from other services or jobs to give an increase, because, as the Member rightly pointed out, we had a Barnett consequential.

**Mr Ross:** I also welcome the fact that we have a draft Budget in front of us today. A key issue that society faces is the increased dissident threat. Therefore, how will the draft Budget impact on policing and, more specifically, on the funding that will be available to enable the police college at Desertcreat to proceed?

**The Minister of Finance and Personnel:** The Department of Justice budget has been ring-fenced. We always said that when the devolution of policing and justice took place, we did not want the police budget and demands for policing to have implications for other spending programmes in Northern Ireland. Equally, ring-fencing the budget means that we have stronger leverage with the Treasury when making applications for additional funds in the event of increased terrorist activity in Northern Ireland.

The Member asked about the police college. I have been told by the Minister of Justice that it is not a police college but an integrated college because it will also contain the Fire and Rescue Service and the Prison Service. That element comes from other budgets, but we have made sure that the capital element for the Fire and Rescue Service has now been included so that the project will be able to proceed.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement and welcome his announcement that the Executive will adopt proposals from my Single Use Plastic Bags Bill, which I brought to the Assembly quite recently. I also welcome the Executive's approach of identifying additional revenue streams and refusing to be restricted by the Tory-imposed comprehensive spending review. Will the Minister confirm that that work will continue and further avenues for new revenue will be considered, including additional tax-varying and borrowing powers?

**The Minister of Finance and Personnel:** My only regret about the plastic bag tax is that leaflets will probably go all round north Antrim saying what a great triumph it is for Daithí McKay. He has caused me to have second thoughts about that proposal.

We have already hammered down and nailed down some revenue proposals, and £842 million worth of them are in the Budget. There is still work to be done on a large number of other proposals, and we have sought ways to ensure that they are followed up. Rather than simply saying that they are good ideas and hoping that



Ministers work at them in their Departments, they will be pushed forward by the Budget review group. Therefore, there will be some central drive. The Member is quite right: the strength of our Budget proposals and some of the discussions that we had will be that they can supplement the amount of money available for public spending in Northern Ireland.

**Mr Weir:** I thank the Minister for his statement and congratulate him on the Budget. In light of the ordinance of the Speaker to keep questions brief, I will ask how the health settlement in the draft Budget compares with that in other parts of the United Kingdom.

**The Minister of Finance and Personnel:** One of our priorities was the protection of front line services, and it was quite clear from my discussions with other Ministers, from the questions that I was asked in the Assembly and from the views of the public, that the public were concerned about the provision of an adequate Health Service in Northern Ireland. For that reason, we have protected the health budget.

Members can look at the table and work out the increases, but the biggest increase by far in spending over the next four years will be in the health budget. Although most other budgets have taken not only a real decrease but a cash decrease, the health budget will, I think, increase by 7% over that period. That compares favourably with the situation in Wales, where there was a 2.5% real reduction, and in Scotland, where there was a 3.03% real reduction.

The health element of the Department of Health, Social Services and Public Safety budget has been protected by 0.2% in Northern Ireland. In addition, the Health Minister has been given flexibility to move money around. He indicated some willingness to move money from his capital budget to his current budget to meet some of those pressures, and he has been given flexibility to do so.

All in all, this is a good settlement for the Health Minister. There has been some discussion about the £20 billion of efficiency savings that are required from the health budget in England. We have not required those in Northern Ireland, and it is up to the Minister to manage his budget. Having said that, there are still challenges, and it is up to the Minister to look at where the savings might be and how productivity can be increased and to take the necessary actions.

## 12.30 pm

**Mr B McCrea:** I welcome the publication of the draft Budget for consultation, and it is a good thing that it is for a four-year period. I note the Minister's statement that this is not a time to play politics with people's lives. Accordingly, I will ask him about the capital expenditure element of his statement, where he states that he wants to reclassify in excess of £250 million. What would be the actual impact on our capital expenditure if there were a fall in that? Just below that, he mentions a number of projects that he has kept going. What have the discussions been about the police training centre vis-à-vis more capital expenditure for our schools?

**The Minister of Finance and Personnel:** We have sought ways of supplementing the capital budget. The Member mentioned one element, the switch from current expenditure to capital expenditure of some £250 million over the four-year period. We have also sought ways of increasing capital receipts. We have a total of capital receipts of over £500 million over the period. Some of that will come from the better use of assets that we hold — for example, government offices — and from how we can raise revenue from the capital estate that we have. We will look at the reserves held by other bodies such as housing associations, which hold reserves of over £250 million, and the Harbour Commissioners, who hold reserves of nearly £60 million.

We have looked around to see where there is unused capital that we can bring into the Budget to mitigate the impact of the savage reduction of 40% in our capital budget. We have to be inventive to make up the gap, and, as I said, by the end of the four-year period, we will be spending £1.5 billion on capital investment, which is the same as was spent in 2005-06 and reflects the long-term trend. There was, of course, a peak during the last couple of years of this Executive's mandate, when additional capital became available and we spent it. We are probably back on to the long-term trend, and the important thing that I get from the construction industry is that it has available at least some idea of the trend, so that it can plan its investment and recruitment.

There has been a long-term commitment to the building of the police college, and that has been held back because the fire service training centre is included with it. That has now been

secured as a result of the allocation that has been made.

**Mr P Ramsey:** In light of the worry, concern and stress across Northern Ireland among vulnerable low-income and working-class families surrounding any increase in student fees and the loss or reduction of education maintenance allowance, what assurance can the Minister give that that will not happen in this Budget?

**The Minister of Finance and Personnel:** It will be for the Minister for Employment and Learning to bring forward proposals on the financing of universities and the implications that that may have for those who attend universities. Looking at the Department for Employment and Learning's budget, one can see that, despite the fact that there were Barnett consequentials as a result of the decision made in England, it is growing over the four years by 1.9%, which should help the Minister in making those decisions. However, ultimately, that is something that he will have to look at.

I emphasise that the one thing that we cannot afford not to have in Northern Ireland — the Minister of Enterprise, Trade and Investment will confirm this — is a first-class higher education sector. That is needed to produce the kind of student required to attract the high-quality international investment that we seek to bring into Northern Ireland. Such students have higher than average incomes, which, of course, would add to the productivity of our industry in Northern Ireland. There is a balance between ensuring a first-class higher education sector with a good flow of able students going through it and the financing of that. However, the details of that are not for me to say.

**Mr I McCrea:** I welcome the draft Budget laid before the House today. Given the slight increase in the regional rate, there is no doubt that there will be some pain for households in Northern Ireland. Will the Finance Minister tell us how much households will benefit from water rates not being brought in?

I welcome the fact that money for the policing college has now been ring-fenced by the Executive.

**The Minister of Finance and Personnel:** If water rates had been introduced there would have been an increase of around £400 a year in household bills. Therefore, households have been saved that money. Households are £1,600 better off as a result of decisions made by

the Executive over the past number of years on the regional rate and water charges. We are mindful that, before we start dipping into people's pockets, we must make sure that we have the most efficient form of public spending in Northern Ireland.

**The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff):** Go raibh maith agat, a Cheann Comhairle. Given the importance and potential of our creative industries, which employ approximately 36,000 people in the North, will the Executive acknowledge the importance of maintaining that key growth area in our economy and ensure that a cross-departmental approach is taken to stimulating it? On that point, I welcome the commitment to financial support for NI Screen, which will ensure that high-quality production facilities will continue to be supported.

**The Minister of Finance and Personnel:** A decision was made to invest in NI Screen and that part of the creative industries. People sometimes think of the creative industries as being simply arty stuff. However, as the Member rightly points out, real jobs are created there. When we talk about creating jobs in Northern Ireland, we should remember that a range of industries create a wide variety of jobs. There is potential within the creative industries to create jobs.

I am very pleased that we have announced the investment for NI Screen, which will enable it to chase after more productions and bring them to Northern Ireland. I have seen the impact of that in my area. As a result of one set being built in Magheramore quarry, £2 million has been brought into the Larne economy in the past year. Local people were employed as joiners and caterers and in building sets and supplying transport and so on. From that, we can see where the real jobs come from.

**Mr Lunn:** I welcome the Minister's statement. Will he give us a further breakdown of the £842 million of revenue raising? How much of that depends on asset sales, given the instability of the property market at the present time?

**The Minister of Finance and Personnel:** That is a very good question. The one thing that I did not want to have in this Budget was fantasy figures or Monopoly money that would never materialise, hitting us, therefore, with problems further down the road.

Of the £842 million, over £500 million is coming from asset sales. All those figures have been tested, and, although I cannot remember the figure offhand, Departments identified something like £400 million of assets that could be sold. They surrendered those assets, and the indication from Departments is that those are available and saleable. A second amount of £100 million was realised as a result of the work of the asset realisation team. That team identified a number of opportunities, most of which, as I indicated earlier, relate to the sale and leaseback or other disposal of government buildings.

We asked for professional advice on that area, and, if Members look at the table of figures, they will see that that stream of spending is loaded towards the back end of the Budget period. We knew that it would not be delivered on quickly, that we would have to advertise and get people interested and that some work needed to be done. The figure rises to around £15 million in year four of the Budget period, and that is further evidence of our prudence. The implication of the Member's question was that we should not just stick figures in for the sake of it.

**Mr Spratt:** I also welcome the Minister's statement and his reference to the assistance package for the savers of the Presbyterian Mutual Society. When does the Minister expect that those savers will receive a payout?

**The Minister of Finance and Personnel:** It was a good thing that the draft Budget was endorsed last night and not just sent out for consultation. Indeed, it is ironic that some of those who wanted to abstain and put it out for consultation were in the vanguard of advocating a quick resolution to the problems of the savers of the Presbyterian Mutual Society. As the draft Budget was endorsed, we can take the next step and approach the European Union and talk to it about the state aid implications of making payments to savers. I understand that the Minister of Enterprise, Trade and Investment will approach Europe in the near future to ascertain that it has no difficulties with that approach. At the same time, the Minister will work up the scheme, because there is now certainty that the money is available to her. The endorsement of the draft Budget is, therefore, a step forward for the savers. The money for the payments is included in next year's Budget, and, therefore, we will be unable to make any payments until the next financial year. There are other steps

that must be taken, and the administrator and savers must also be consulted on the details of the scheme.

**Mr Elliott:** I also welcome the draft Budget being brought forward. We heard reports this morning about the raising of finance through the Port of Belfast. Can the Minister elaborate on that?

**The Minister of Finance and Personnel:** I can. Again, we applied the prudence principle in relation to the Port of Belfast. The figure in the press is that some £125 million might be achievable from the Port of Belfast over the four years of the Budget. However, most of that will require a change in legislation, and, rather than simply sticking all of that money into the Budget now, we have been fairly prudent. The immediate financing of a project for Northern Ireland Screen in the port can, we believe, be obtained from that source. We will also put £15 million from the Port of Belfast into the final two years of the Budget. That will give us time to pass legislation if legislative changes are needed. Therefore, we are not anticipating money that we cannot get, because we do not have the legal power to do so. We have not yet built into the Budget the additional money that might be available. That money is likely to be an additional £90 million, and we have simply said that, if it comes on stream, it will be allocated to future projects. I hope that the Member can see that we have included an element of caution in that proposal, rather than assuming that that money will be there.

#### 12.45 pm

**Ms S Ramsey:** Go raibh maith agat, a Cheann Comhairle. Like others, I thank the Minister for his statement. This has been a mature debate, which leads me to believe that the Health Minister may have handed out sedatives on the way in. However, there is no increase in his budget.

I agree with the Minister that the Budget facilitates economic growth and recovery. He went on to talk about improving the skills base of our young people, who are the bedrock upon which we will achieve that growth and recovery. Considering that the Minister voted against student fees in Westminster last week, does his previous answer indicate that there is no provision in the Budget to increase student fees and that the decision will be left to the Minister for Employment and Learning?



**The Minister of Finance and Personnel:** I just wish that the Sinn Féin MPs had been with me to join in the debate at Westminster and vote against the proposal; they would have reduced the Government's majority even further. I have made my personal position on student fees and that of my party very clear: I want people to be able to go to higher education on the basis of their ability to benefit from it rather than their ability to pay. I, and many other Assembly Members, benefited from that opportunity, and I do not want it to be lost. However, I must say a word of caution. One reason why I went to Westminster last week to speak and vote against the proposal was that I believed that it was wrong. The consequential of the proposal have already been passed to our Budget. If the proposal had been defeated, the issue of resource restrictions would not have arisen.

The Minister for Employment and Learning is consulting Joanne Stuart about a revision of her original paper. There is also need for a conversation with the universities about how they spend the money that they get. Every effort should be made to ensure that the principle that I elucidated at the beginning of my answer is upheld: people should receive higher education on the basis of their ability to benefit from it rather than their ability to pay. I hope that we will follow that principle in the debate.

**Mrs D Kelly:** I thank the Minister for his statement. However, can he explain to me and all the children in the North why the Executive decided to take £70 million out of the education budget but create a new £80 million social investment fund so that the many will pay for the needs of the few?

**The Minister of Finance and Personnel:** I am surprised that a member of the Social Democratic and Labour Party should adopt such an attitude. I hear members of her party paying lip service to their concern about the many communities in Northern Ireland that have been left behind. Those communities have huge problems of youth unemployment; underskilled and underqualified youths; households in poverty; and estates with poor living conditions that do not give people any aspiration to lift their vision and look to a better future for themselves and their family. Even though those people may not be the majority in our community, there are good grounds for saying that we cannot afford for them to be left behind. That is why the fund has been set up.

The proposals for the fund will come to the Executive. Let me say this to the Member: that fund will give Departments, such as the Department of Education, an opportunity to bid for projects to help young people in those estates who have not benefited from their time in school because of family, social or other circumstances. It will create an opportunity to bring those young people along as part of society, which is something that, I thought, the Member would have welcomed. [Interruption.]

**Mr Speaker:** Order.

**Lord Morrow:** I, too, welcome the statement. If some people were to be listened to during the week, the draft Budget has been achieved against all odds. It must come as a bitter disappointment to those who declared that it would never happen.

The Minister referred to quangos in his statement. I welcome that because this country has become "quango land". The Minister intends to introduce a Bill to rationalise quangos. Is there not a more effective, more efficient and quicker way to deal with quangos? How many does he envisage doing away with? I suspect that he could get rid of a couple of thousand and he still would not have them all away.

**The Minister of Finance and Personnel:** I am not sure whether there are a couple of thousand of them. The Member might be exaggerating a wee bit there. Nevertheless, there are a lot of arm's-length bodies and quangos. A Bill is required because some of those bodies are ensconced in legislation, and further legislation will be required to remove them. The issue is being left with the Budget review group, which includes Ministers from all the parties, because sometimes there is an understandable reluctance in Departments to deal with it. Furthermore, a Minister might listen to the departmental view on that issue. We want to take an Executive view on the issue, bring forward proposals and make savings.

**Ms Purvis:** I welcome the Minister's statement and the fact that the Executive have agreed a Budget. In his statement, the Minister referred to the four key priorities of the Budget. I agree with those priorities, although perhaps not in the order that they were listed. One of those priorities is to protect front line services. What mechanism or process has the Minister and his Executive colleagues put in place to monitor the

implementation of the Budget to ensure that front line services are protected?

**The Minister of Finance and Personnel:** That is not just a job for me as Finance Minister or for other Ministers. The real work to ensure that Departments protect front line services is for Assembly Members. The whole point of Committees is to bring Ministers along and question them about their spending plans, their savings plans and why they are deciding to save money in one area and not in another. That is the role of Committees, and I hope that they continue to fulfil it effectively. As Finance Minister, I have the job of ensuring that resources are allocated as effectively as possible within a limited Budget to Departments with responsibility for the front line services that have the greatest impact on the public. This Budget settlement has, by and large, done that in very difficult circumstances.

**Mr Bell:** In spite of the devastation that the Ulster Conservatives and Unionists have imposed on us, does the Minister feel that we can still make a positive contribution to the young people who are currently not in education, employment or training? Is it not the case that, after the cuts that the Ulster Conservatives and Unionists imposed, they are now the Ulster Conservatives — New Farce?

**Mr Speaker:** Order. I insist that parties are referred to by their official name in this House. That goes for all parties.

**The Minister of Finance and Personnel:** First, it is important to give our young people skills so that they can take up employment opportunities, not be a burden on society, make a contribution and raise their self-esteem. That is why, for example, the budget for the Department for Employment and Learning, which will deal with a lot of those young people and their training needs, has been protected. That is also why, in my answer to the Member for Upper Bann Dolores Kelly, I pointed out that the social investment fund will be important in how we deal with some of those people. Within the limited resources available to us, we have sought to remain true to the principle of having a skilled workforce in Northern Ireland. That means trying to reach those who are hard to reach and helping them towards productive activity in our society.

**Mr Speaker:** I call Mr Kinahan.

**Mr Kinahan:** Sorry, Mr Speaker, I cannot find my question.

**Mr Dallat:** Given that this Assembly was established against a background of inequality, particularly on a regional basis, and given that we learned today that capital expenditure is to be savagely cut, what hope can the Minister give to regions that still lack infrastructure and a lot of other things that people take for granted? What hope is there that those people are not now mothballed for the next three years?

**The Minister of Finance and Personnel:** Capital projects have been undertaken in the past in Northern Ireland. I take the time, maybe one morning or afternoon a week, to go around the Province to see the expenditure. That expenditure is spread across Northern Ireland. It is not located in just one area. I have visited projects in the west, south and north of the Province and here in the east. So, it is unfair to say that there is not a distribution of those projects across Northern Ireland.

As far as areas that may have been left behind are concerned, part of the social investment fund is to deal with that issue, albeit that it is a very limited amount of money. Nevertheless, that fund will deliberately target areas where people feel that they have been left behind and where, perhaps, there has not been the investment that we would have liked to see.

Again, of course, it is up to Members to ensure that, when capital programmes that are brought forward to Committees appear to be skewed in one way or another, Ministers are challenged about them. However, it is not a good idea to allocate capital purely to make sure that there is an even geographical spread. It has to be done on the basis of where the projects and infrastructure decisions can have the greatest return for Northern Ireland. In some cases, that may mean a huge bias towards one area in one year and not as much to another area. However, the basis should be whether the capital project is a sound capital project and whether it will contribute to the betterment of Northern Ireland and to our ability to compete in the world.

**Mr Givan:** I congratulate the Finance Minister and the Executive Ministers who constructively engaged in producing a Budget that goes some way to minimising the pain that would have been inflicted on us through the Tories' block grant to Northern Ireland. Undoubtedly, there will still be some pain, and the freeze on public sector

pay will hit some individuals. Had the Executive decided not to introduce a pay freeze, would people in the public sector ultimately have lost their job?

**The Minister of Finance and Personnel:** The answer is, quite clearly, yes. I should have the figures because, in the Budget review group, we did an exercise to show what the impact would be if we did not abide by the pay freeze at £21,000 and set it at a higher level or did not implement it at all. I do not want to give a misleading answer to the House, but we would be talking about hundreds of jobs had we not implemented the pay freeze, for which we already had a Barnett consequential and in respect of which we had our spending reduced on the basis of a decision elsewhere.

**Mr Kinahan:** Thank you very much, Mr Speaker, for letting me have another chance. We are very pleased to see a draft Budget in place. However, when we look at the funding for the Department of the Environment, it is hard to tell in which of the four years the review of public administration is planned to take place, along with the vital planning and financing of the councils. As you know, those go hand in hand. Can the Minister guarantee that the funding is in place for that to happen in the first year?

**The Minister of Finance and Personnel:** I am not past the detail of every line in the Department of the Environment budget or any other departmental budget. All I do know is that the Minister has made a commitment that he will move to try to rationalise and make better use of the finance available for local government. Anyway, those sorts of decisions are reflected in the Budget allocation. The Budget allocations will drive Ministers to look at how savings can be made.

**1.00 pm**

**Sir Reg Empey:** The draft Budget refers to progress on the creation of a new Education and Skills Authority (ESA). I would like to bring it to the Finance Minister's attention that two weeks ago, the Education Committee was briefed by senior departmental officials that they had not been authorised to carry out work on money-saving schemes. I ask the Minister, especially in light of the controversy surrounding the ESA, what exactly has been agreed and how senior officials in the Department of Education are supposed to produce detailed proposals within one week of the launch of the consultation process?

**The Minister of Finance and Personnel:** The tables show that money has been put in under the invest to save proposals for some of the upfront costs of establishing a single body to oversee the administration of education in Northern Ireland; I think that it is £10 million in each of the first two years. Therefore, finance has been made available to the Department of Education for that purpose, and I hope that progress can be made on it. I am sure that the Member will know well the difficulties that have held that up. However, just as there has been goodwill among parties in getting this draft Budget agreed, I am sure that we will try to build on that goodwill to make the kind of savings that can be made in education administration. Given the size of the education budget, there is a need to find ways of making savings on administration so that as much money as possible goes to schools.

**Mr Speaker:** I call Ms Anna Lo.

**Ms Lo:** At last; I thought that I was never going to get called. I welcome the statement from the Minister. Has the Minister considered the costs of division in our society and the potential savings from the promotion of a shared future?

**The Minister of Finance and Personnel:** Not only has thought been given to that, the comments that have been made over the last number of weeks by the First Minister have reflected the need for a huge debate on that. Huge savings can be made, not least in education. There are many ways in which money can be saved. All Ministers should be looking at every opportunity to save that money. However, with the issue that the Member raised, one has to be mindful of the situation on the ground, and you cannot do these things overnight. Nevertheless, it will be music to my ears if I hear of innovative ways in which Ministers believe that they can save money, so that the money that is being used is being used for the good, practical purposes of delivering services.

**Mr Speaker:** That concludes questions on the ministerial statement. I ask the House to take its ease as we move to the next item of business.

(Mr Deputy Speaker [Mr Molloy] in the Chair.)

## Executive Committee Business

### Debt Relief Bill: Royal Assent

**Mr Deputy Speaker:** I inform Members that the Debt Relief Bill has received Royal Assent. The Debt Relief Act (Northern Ireland) 2010 became law on 15 December 2010.

### Unsolicited Services (Trade and Business Directories) Bill: Royal Assent

**Mr Deputy Speaker:** I inform Members that the Unsolicited Services (Trade and Business Directories) Bill has received Royal Assent. The Unsolicited Services (Trade and Business Directories) Act (Northern Ireland) 2010 became law on 15 December 2010.

## Savings Accounts and Health in Pregnancy Grant Bill: Legislative Consent Motion

### The Minister for Social Development

**(Mr Attwood):** I beg to move

*That this Assembly agrees that the provisions in the Savings Accounts and Health in Pregnancy Grant Bill (consequential on the proposed repeal of the Saving Gateway Accounts Act 2009) dealing with the supply of information by the Department for Social Development and the classification of saving gateway accounts as an excepted matter under schedule 2 to the Northern Ireland Act 1998, should be considered by the UK Parliament.*

The contrast between the debate that has just finished on the draft Budget and hopes that may otherwise have been raised by it is brought into sharp relief when one considers the legislative consent motion and legislation that is going through Westminster. That legislation not only repeals the saving gateway accounts proposals, which never actually went live, but ends eligibility for child trust funds and abolishes the health in pregnancy grant.

While we talk about the Northern Ireland Budget on one hand, we see the reality when it comes to Northern Ireland benefits on the other. The legislation in London cuts significant money from those who are in need, such as young mothers and pregnant mothers. I have two daughters under the age of five, and my family has benefited from child trust funds and health in pregnancy grants. The Chairperson of the Committee for Social Development is in the same position as I, given the age of his children. When we deal with Budget issues, therefore, we must be fully mindful of welfare and benefits issues, including the legislation that is going through Westminster as I speak.

The legislative consent motion performs one technical function: it repeals a mechanism by which information was to be shared with Revenue and Customs on proposed saving gateway accounts. I will go into that in more detail. The legislative consent motion repeals a technical provision that relates to access to information by Revenue and Customs. It does not touch on the broader issues of child trust funds and the health in pregnancy grant because they are not devolved matters. They are reserved matters on which the London Government have exclusive authority to legislate because they affect the tax system. Therefore,



the consent motion, as I understand it, deals with a technical matter in respect of legislation that is going through Westminster. It does not touch upon wider issues that are part and parcel of that legislation.

On 15 September 2010, the Savings Accounts and Health in Pregnancy Grant Bill was introduced in the House of Commons; it contains measures to repeal the Saving Gateway Accounts Act 2009. The motion addresses that, although the Bill also contains measures to end eligibility to child trust funds and to abolish the health in pregnancy grant.

As a consequence of the proposed repeal of the Saving Gateway Accounts Act 2009, the Bill also repeals provisions to deal with the supply of information to Revenue and Customs by the Department for Social Development (DSD) and removes the saving gateway scheme from the list of excepted matters in schedule 2 to the Northern Ireland Act 1998. Therefore, the motion asks the Assembly to agree that those consequential provisions may be considered by the Westminster Parliament since, technically, at least, they result in a change in the Department's functions and the Assembly's legislative competence.

As I said in my opening remarks, the Assembly is not asked to endorse the Bill's policy intentions, as saving gateway accounts, child trust funds and the health in pregnancy grant are all excepted matters and outside the Assembly's legislative competence. I should explain that the saving gateway would have provided a cash saving account to people on low incomes. The aim was to provide a financial incentive to save through a matching Government contribution for every pound saved. The scheme was to be open to those who receive qualifying social security benefits and tax credits and was to be administered by Revenue and Customs. Saving gateway accounts for those who qualified were to have been available from July 2010. However, on 22 June 2010, in their emergency Budget, the British Government announced that the saving gateway was deemed unaffordable, given the need to reduce the deficit and that the Con-Dem coalition would not introduce the scheme.

My Department was to have been involved in facilitating the saving gateway scheme by providing information about those people who are in receipt of qualifying social security

benefits and who would have been eligible to open a saving gateway account.

As I said earlier, the Westminster Savings Accounts and Health in Pregnancy Grant Bill also contains provisions to abolish the health in pregnancy grant and to end eligibility for child trust funds. I emphasise that both of those policy areas are the responsibility of the London Government.

The purported aim of the health in pregnancy grant is to contribute towards an improved lifestyle and healthy diet during the final weeks of pregnancy and other additional costs faced at that time. It is meant to underpin the existing financial support, such as the Sure Start maternity grant, which is available to assist with the cost of a new baby. The decision to abolish the health in pregnancy grant and to end eligibility for child trust funds will have a grievous impact on low-income families with young children. They are already in need, and the decision to abolish the health in pregnancy grant and the child trust funds can only put them in more need. That is further reason why the proposed hardship fund, which I have argued for in the Budget, will be beefed up and developed over the next number of months. It will mean a lot more than it appears to mean on paper.

The legislative consent motion deals with the much narrower technical issues of the changes to DSD's functions and the list of excepted matters in the Northern Ireland Act 1998 as a result of the proposed repeal of the Saving Gateway Accounts Act 2009. Although Members may have reservations about the proposed repeal of the 2009 Act, as I do, I trust that we will use our influence in Westminster to try to mitigate the intentions of the Bill. It is not an issue that we as an Assembly have any power over. In many ways, it is more than a parity issue; it is an issue relating to an excepted matter, which, at this stage in our development, is a matter for which we do not have any legislative or operational competence. However, if Parliament agrees to the repeal, it would be inappropriate for us to deny it the opportunity to sort out the consequential changes to other legislation. On that basis, I ask the Assembly to support the motion.

**The Chairperson of the Committee for Social Development (Mr Hamilton):** I will begin my remarks by speaking in my capacity as Chairperson of the Committee. The motion

refers to the Saving Gateway Accounts Act 2009. As the House will recall, the Assembly debated a related legislative consent motion in that year which permitted Westminster to legislate to establish saving gateway accounts in Northern Ireland, as was the case in the rest of the United Kingdom.

The 2009 Act should have allowed some of the poorest individuals in society to establish a savings account. The accounts would have allowed those individuals to put aside a small amount of money, say £25 a month and, after a period, the Government were to top up the account with 50p for every pound saved, up to a limit of £300. As Members can imagine, the Committee warmly welcomed that provision. To help to identify people who might benefit from such accounts, the 2009 Act allowed information-sharing between the Department and Her Majesty's Revenue and Customs (HMRC), as outlined by the Minister.

The 2009 Act also included provisions which were to make the saving gateway accounts an excepted matter. As the House will recall, the relevant legislative consent motion was passed by the Assembly in March of last year.

On 25 November, the Social Development Committee considered the motion that is before us today. Members were dismayed that the Westminster Government had decided that the saving gateway accounts can no longer be afforded. As the Committee's recent report shows, members made inquiries and took some time to consider the benefits of the original proposals and the success of pilot schemes in Great Britain. The Committee concluded, with some regret, that it had no option other than to support the motion, which is to repeal the provisions relating to the saving gateway accounts. The Committee noted that the Savings Accounts and Health in Pregnancy Grant Bill also abolishes the health in pregnancy grant and child trust funds. The Committee also noted that both of those are excepted matters, and, as the Minister explained, they are not the subject of today's motion.

On behalf of the Committee, I record members' disappointment that the saving gateway accounts will not come into being and people from Northern Ireland will not benefit from them. The Committee believes that a great opportunity to help people develop a savings habit has been missed. As agreed, with regret,

by the Committee, I must also indicate that the Committee supports the motion that will permit the United Kingdom Parliament to repeal the named provisions.

### 1.15 pm

Speaking in a personal and party capacity, and as the Minister has said, I think that the motion and the effect of the Bill will be technical but will have a profound impact in Northern Ireland, particularly on people who need some of the support that would have been given. We will never know whether the savings gateway accounts would have had the positive impact that was hoped for in the first instance, because we will never see them come into being, other than through the pilot schemes that I mentioned before. However, simply because this is happening, it does not mean that there is not a job to do.

There is a massive job to do, particularly in Northern Ireland, which has the worst levels of financial exclusion of the whole United Kingdom. In fact, in my own constituency, which is sometimes seen as a very affluent area, the Scrabo ward in Newtownards, which largely covers the West Winds estate, is one of the 36 most financially excluded wards in Northern Ireland. That was discovered in a report by the Community Foundation. We can see for ourselves in Northern Ireland, in areas like that, the profound impact that financial exclusion — people not having a bank account or savings account of their own — can have on poverty. It can keep people in the grip of poverty.

I know that there is a lot of good and positive work done in Northern Ireland by credit unions. That is seen in the level of activity. Around 25% of people in Northern Ireland use or have used credit unions, compared to only around 2% in Great Britain, but even that high level of activity is not having the impact that we want to see. There is a task for the Assembly, in spite of the loss of savings gateway accounts, to try to ease the burden and the problems that come with financial exclusion of some of the most vulnerable in society.

I also regret the ending of the child trust fund. The Minister has already exposed my personal interest, like his, in that matter. However, the fund was not aimed primarily at helping the Minister for Social Development or me: it was aimed at helping people who, otherwise, would not have had the savings habit that I mentioned before. Children would have been

born into the world and would have had nothing set aside for them for a rainy day later in their lives. The figures show that the lowest level of uptake of the child trust fund has consistently been in some of our most disadvantaged communities. I know that the credit unions were hoping that there would be legislative change at Westminster to allow them to offer child trust funds to people in those areas. That has not come about, and we need to redouble our efforts in achieving that aim.

I regret the ending of the child trust fund. It was a small amount of money. A lot of people saw a reduction because of the fall in the stock market and how they had invested that, but, nonetheless, that account was there forever and a day, to be accessed by that child later in life when they became a young adult. I deeply regret its loss. Although it was only around for a few years, I think that the longer-term impact of it would have been immensely positive, particularly for vulnerable people in Northern Ireland. With all of that in mind, I support the motion out of necessity rather than out of choice. It is quite technical, but I reiterate that the impact could well be very profound, particularly for vulnerable people in Northern Ireland.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. The savings gateway accounts, the health and pregnancy grant and the child trust funds are all forward looking schemes that would have benefited families with young children, and were seen as progressive. Unfortunately, because of the Government's statement on 22 June that they were no longer affordable, they can only be seen in the light of cutbacks — one of the many cutbacks that are going to affect families, particularly families with young children.

The Minister and the Chairperson have both gone into some detail about the nature of the Bill. The Bill that we have contains provisions that are consequential on the proposed repeal of the Saving Gateway Accounts Act 2009. It means that the Bill will amend the law dealing with the supply of information by the Department for Social Development to Revenue and Customs. That will mean the removal of the requirement on the Department to provide Revenue and Customs with information relating to social security for the purposes of identifying individuals who would have been eligible to open a saving gateway account. Therefore, it is a technical amendment.

Given that the announcement was made on 22 June, and the scheme was not to be introduced here until July, it never took off, so unfortunately, nobody had the benefit of it. I reiterate: it is a cutback. A scheme that was forward looking and beneficial has again been knocked back.

**Mrs M Bradley:** Other Members and, indeed, the Minister said that they have concerns about the Bill, and I think it is of grave concern to us all that both the saving gateway account and the child trust fund, which both seem to be very worthy funds, will be taken away. It is unfortunate that we never had the opportunity to access the saving gateway account scheme. It would have definitely benefited communities in Northern Ireland.

**Ms Lo:** Although I support the technical point of sharing information with HMRC, I share the concerns of the other MLAs who have spoken. This was a very good scheme to encourage those who are not normally in the habit of saving with a bank, and it was unfortunate that, during the pilot schemes in England, there was a slow and low uptake. In fact, it was never rolled out to the whole of the UK, and it was unfortunate that the change of Government was seen as an easy opportunity to scrap the entire scheme.

The Minister mentioned the pregnancy grant, from which I benefited. It is a welcome bit of money, particularly when mothers such as me give up full-time jobs to stay at home and suddenly find that they lose their steady income. To have that extra bit of money always helps, so it is a great pity that the scheme was not rolled out.

**The Minister for Social Development:** I thank Members for their contributions. The comments of Mr Hamilton, Mr Brady, Mrs Bradley and Ms Lo captured the essence of the impact of this technical change and the broader legislation that is going through Westminster. Words used included “dismayed”, “regret”, “disappointment”, “opportunity missed”, “grave concern” and “great pity”. Mr Brady said that these were forward looking schemes, and I think that that describes them as well as any other term. They were forward looking because they were front line opportunities for people who were in particular need or potential distress.

Since 2005, 5.2 million child trust fund accounts were established in Northern Ireland and Britain, and since 2009, 850,000 women received the pregnancy grant of £190, 25 weeks into their pregnancy. Those are not small sums for people



on low incomes and represent no small opportunity for those who may not have had an inclination or opportunity to save in the past.

I concur with the remarks made, but it leads to the conclusion, as the Committee Chairperson said, that there is an obligation on us to do what we can to ease the burden. That principle has to inform policy and government, not least in consideration of the Budget that has now gone out for consultation, in which there are further interventions of some weight and significance to ease the burden on those who will be in new increased levels of need over the next four years.

With reluctance, I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That this Assembly agrees that the provisions in the Savings Accounts and Health in Pregnancy Grant Bill (consequential on the proposed repeal of the Saving Gateway Accounts Act 2009) dealing with the supply of information by the Department for Social Development and the classification of saving gateway accounts as an excepted matter under schedule 2 to the Northern Ireland Act 1998, should be considered by the UK Parliament.*

## **Waste and Contaminated Land (Amendment) Bill: Consideration Stage**

**Mr Deputy Speaker:** I call the Minister of the Environment to move the Consideration Stage of the Waste and Contaminated Land (Amendment) 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. There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 2, 3, 4, 6 and 7, which deal with the fixed penalties for illegal waste activity and fees for appeals and remediation notices. The second debate will be on amendment No 5, which relates to the quality and nature of waste for recycling. Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points of the Bill. If that is clear, we will proceed.

### **Clause 1 (Fixed penalty notices for offences under Article 4)**

**Mr Deputy Speaker:** We come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 3, 4, 6 and 7. Those amendments deal with the enforcement of offences for illegal waste activity and making provision for fees to be charged for appeals.

**The Minister of the Environment (Mr Poots):** I beg to move amendment No 1: In page 2, line 19, leave out “£200” and insert “£400”.

*The following amendments stood on the Marshalled List:*

No 2: In clause 5, page 6, line 37, leave out

*“(but not regulations under Article 5 (7))”. — [The Minister of the Environment (Mr Poots).]*

No 3: In clause 5, page 6, line 41, leave out

*“(but not regulations under Article 5(7))”. — [The Minister of the Environment (Mr Poots).]*

## No 4: In clause 5, page 6, line 41, at end insert

*“( ) In Article 5A of the 1997 Order (fixed penalty notices for certain offences under Article 5(8))—*

*(a) in paragraph (1) for ‘the Department’ (where it first occurs) substitute ‘an authorised officer of an enforcing authority’ and for ‘to the Department’ substitute ‘to the enforcing authority’;*

*(b) in paragraph (2) for ‘Department’ substitute ‘authorised officer’ and at the end add ‘to the enforcing authority’;*

*(c) in paragraph (9) for ‘the Department’ substitute ‘an enforcing authority’;*

*(d) in paragraph (11) for ‘The Department may’ substitute ‘An enforcing authority may’ and for ‘by the Department’ substitute ‘by the enforcing authority’;*

*(e) for paragraph (13) substitute—*

*‘(12A) Article 22C (use of fixed penalty receipts by a district council) applies in relation to amounts received by a council under this Article as it applies in relation to amounts received under Article 22A.*

*(13) In this Article—*

*‘authorised officer’ means an officer of the enforcing authority who is authorised in writing by the enforcing authority for the purposes of this Article;*

*‘enforcing authority’ means—*

*(a) the Department; and*

*(b) in relation to an offence committed within its district, a district council.’” — [The Minister of the Environment (Mr Poots).]*

## No 6: In clause 8, page 8, line 38, at end insert

*“( ) After paragraph (1) insert—*

*‘(1A) Article 127(2)(b) of the Planning (Northern Ireland) Order 1991 (power to prescribe fees for appeals to the planning appeals commission under that Order) shall apply to appeals under this Article as it applies to appeals under that Order; and a notice of appeal to the planning appeals commission under this Article shall be accompanied by such fee (if any) as may be prescribed under Article 127(2)(b) of that Order.’” — [The Minister of the Environment (Mr Poots).]*

## No 7: In schedule 1, page 11, line 7, at end insert

*“4. In Article 82—*

*(a) in paragraph (1) at the beginning insert ‘Except as provided by paragraph (1A),’; and*

*(b) after paragraph (1) insert—*

*‘(1A) No order shall be made under Article 4A(10), 5A(10), 22B(5) or 42B(10) unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.’” — [The Minister of the Environment (Mr Poots).]*

**The Minister of the Environment:** A number of the amendments that we will debate arise from recommendations made by the Environment Committee. I express my appreciation to the Committee members for the work that they have done in a timely manner in considering this Bill.

Clause 1 provides for fixed penalties for minor fly-tipping offences. Those fines can be issued either by councils or by the Department. The Bill originally stipulated that those fines could range from between £100 and £200, with the issuing authority deciding what would be appropriate in each instance. The stakeholders who responded to the Environment Committee's consultation on Bill were supportive of the clause, but suggested that a higher upper limit might be appropriate. I have no objection to that suggestion. Indeed, I appreciate that a broader range of possible fixed penalty amounts may allow more scope for distinguishing between various types of fly-tipping offences. I therefore propose amendment No 1 to allow for a range of fines between £100 and £400. My officials have engaged with the Environment Committee on the issue, and my understanding is that the Committee is content with that proposal.

I turn to amendment Nos 2, 3 and 4, which relate to clause 5 of the Bill. Clause 5 gives councils investigative and enforcement powers in relation to illegal waste activity. Those powers currently rest solely with my Department. However, the Bill as originally drafted did not allow council officials to take enforcement action in the event of a failure to present appropriate waste documentation. Following further reflection and engagement with stakeholders, I now appreciate that it will be helpful to councils to have those powers. I therefore propose the amendments to allow councils to take enforcement action in the event of failure to present appropriate waste documentation to officials. That will enable councils either to prosecute through the courts or to issue a £300 fixed penalty notice. Again, I understand that the Environment Committee is supportive of that proposal.

I take this opportunity to mention briefly the development of a fly-tipping protocol, which will clarify the respective roles and responsibilities of the Department and councils in dealing with fly-tipped waste. I am pleased to confirm that formal consultation with the local government sector on this issue is due to commence shortly. I do not intend to commence the relevant provisions in the Bill until the protocol is in place. However, those powers in the Bill that can be used straight away will be commenced as soon as possible after the Bill receives Royal Assent.

### 1.30 pm

Clause 8 allows for all appeals against contaminated land remediation notices to be heard by the Planning Appeals Commission (PAC). However, there is currently no provision for the PAC to charge a fee for that type of appeal. At Committee Stage, Members expressed concern that unscrupulous operators may seek to use the appeals process to delay action on their obligation to take remedial action. It was suggested that the absence of a fee may encourage such activity. Therefore, having further considered the issue, I now agree that a fee is appropriate. It will be in line with the current fee for a planning appeal, which is £126. I would probably prefer it to be higher, but it has to be associated with the planning appeal fee, and the Planning Appeals Commission may consider whether to raise that fee. We hope that the fee will go some way towards dissuading frivolous appeals and to ensure a degree of consistency with similar provisions in environmental liability regulations. Therefore, I propose amendment No 6, which introduces a fee for appeals against remediation notices.

Finally, my proposed amendment No 7, to schedule 1 to the Bill, relates to the future amendment of fixed penalty amounts. The Bill originally provided that any future legislation amending fixed penalty amounts for fly-tipping offences should be subject to negative resolution, which is consistent with the existing fixed penalty provision in waste management legislation. I originally felt that negative resolution was appropriate on the grounds that the issue is neither sensitive nor controversial, and there was substantial legislative precedence for such an approach. However, we noted that the use of affirmative resolution is proposed for the future amendment of penalty amounts in other Bills

in the legislative programme. I recognised that the Environment Committee, on advice from the Examiner of Statutory Rules, recommended the use of affirmative resolution. Existing waste management legislation already provides for three fixed penalties, and the Bill provides for a fourth. Effectively, amendment No 7 would ensure that any change to the amount of those fixed penalties will be subject to affirmative resolution, which will afford the Assembly greater control in that area and ensure consistency with other Assembly legislation.

**The Chairperson of the Committee for the Environment (Mr Boylan):** Go raibh maith agat, a LeasCheann Comhairle. Day three in the big house, so here we go with more legislation. I want to pay tribute to the departmental officials and the Committee staff for their work in bringing the Bill to this stage.

On behalf of the Environment Committee, I welcome the Bill's Consideration Stage, which I am sure Committee members will agree makes changes that will contribute to the ongoing battle to address waste problems in the North. The Bill makes some changes to the legislative framework in Part III of the Waste and Contaminated Land Order 1997 for the management of land that has been contaminated by pollution. That Part of the Order has not yet been commenced, and the Department indicated to the Committee that the amendments made by the Bill to that Order will mainly reflect lessons learned through the experience of operating legislation elsewhere. The Committee was content with the proposals, which include an amended definition of contaminated land that more accurately reflects the definition of controlled waters and introduces the notion of significant pollution of waterways, underground strata, or the significant possibility of such pollution.

The minor amendments made by the Bill to the Producer Responsibility Obligations Order 1998 were also acceptable to the Committee. Therefore, the Committee predominantly focused on the clauses that amend the Waste and Contaminated Land Order 1997 to clarify and strengthen the existing statutory framework for waste on land, and that legislate for a partnership approach between the Department and local government in tackling illegal waste activity. Having looked closely at what the Bill offers, I share Committee members' confidence

that it will take us a significant step forward in how we manage illegally dumped waste.

The Bill was referred to the Committee on 13 April 2010, and, to ensure that there was enough time to fully and effectively scrutinise it, the Committee sought an extension to the Committee Stage until early November. Members will confirm that that length of time was needed to go through the Bill in sufficient detail and to get the necessary information from the Department.

I am sure that my Committee colleagues will support me in noting the good working relationship that was established between the Committee and lead departmental officials during Committee Stage. The Committee's detailed scrutiny led to six recommendations, and I am pleased to report that the Minister has taken on board all of the Committee's recommendations for amendments. I thank the Minister for listening to the Committee and taking on board the necessary recommendations.

Before I talk about the amendments in detail, I must mention a significant issue that gave the Committee considerable concern and yet could not, in the Committee's opinion, be addressed in the Bill. The Committee is adamant that, as the Bill brings about the sharing of powers for dealing with illegal waste activity between central government and local authorities, there is a need for an agreed protocol between the Department and councils to outline which authority has responsibility for dealing with and clearing up different aspects and quantities of fly-tipped waste.

The Committee heard evidence from a range of councils and the Local Government Association about the need for clarifying and identifying the responsibilities of local authorities and the Department. In addition, many other respondents expressed frustration at the confusion between the Environment Agency and local authorities and at their unwillingness to take responsibility. Several respondents provided examples of where illegally dumped waste was left lying indefinitely, sometimes long after a court had penalised the offender, simply because agreement could not be reached on which authority had the responsibility to clear it up. Therefore, the Committee was adamant that a protocol must be agreed and put in place before the Bill is enacted.

I am pleased to report that the Committee recently had sight of a consultation on a draft protocol. It also appears that a threshold quantity of 20 sq m is being suggested as the level that would generally determine which authority takes responsibility for dealing with the waste. The Committee believes that that amount, which equates roughly to a lorry load, should be acceptable to councils. That is good news, but I would like the Minister's assurance today, just as his official assured the Committee, that he will not enact the clauses that relate to councils' enhanced waste management powers until the protocol has been agreed with councils and is in place. The Committee also wants the protocol or timely guidance to provide clarity on addressing the differences between domestic and commercial waste, dealing with hazardous waste or waste that is dumped on land that is unregistered or unoccupied, and addressing the ever difficult issue of landowner liability.

The six amendments in the first group have all been tabled by the Minister. However, as I mentioned earlier, each was recommended by the Committee to improve the Bill. Amendment No 1 raises the upper limit of the range of fixed penalty fees from £200 to £400. Most respondents to the Committee's call for evidence were adamant that fixed penalties must be set at a level that acts as a deterrent and felt that an upper limit of £200 was too low to ensure that. The Committee agreed, and it also noted that a larger range provided more scope for selecting different fine levels to reflect the seriousness of an offence, the level of damage caused and to punish repeat offenders. On behalf of the Committee, I welcome the Minister's amendment to clause 1.

I will combine amendment Nos 2, 3 and 4, as did the Minister, because, together, they amend clause 5 to address the Committee's recommendations that the same powers of entry and investigation that are afforded to the Department should be provided to councils. The Bill gives most of the powers that are currently available to the Department for addressing illegally dumped waste to councils. However, it does not, as drafted, devolve powers to take enforcement action in the event of a failure to present appropriate waste documents. Amendment Nos 2, 3 and 4 remedy that, and, on behalf of the Committee, I welcome them.



The Committee was pleased to learn that an appeals process was being put in place to address genuine concerns. However, on being advised that no mechanism was currently available for applying a charge when referring a case to the Planning Appeals Commission, the Committee was concerned that the appeals process could be used by offenders to buy time. The Committee recommended that the Department should consider an amendment to introduce a charge, and, on behalf of the Committee, I welcome amendment No 6.

Finally, in this group, I turn to amendment No 7. On the advice of the Examiner of Statutory Rules, the Committee suggested that the powers to change a fixed penalty fine that is identified in the Bill and exists in waste Orders should be subject to the highest available Assembly scrutiny. In addition to ensuring that proper debate accompanies changes to fine levels, it brings the Bill into line with other Bills with fixed penalties that are going through the Assembly.

During Committee Stage, the Department indicated that it would not table an amendment to that effect, so the Committee agreed its own amendment. However, on subsequently being advised that the Department had revisited the issue and would be tabling an amendment, the Committee agreed not to submit its amendment and to support the Minister. On behalf of the Committee, I am pleased, therefore, to support amendment No 7.

I shall now say a few words as a Sinn Féin MLA for Newry and Armagh. I welcome the work on the Bill, which is a good one. However, the important issue for us is that the protocol be set in place before the Bill is enacted. Go raibh maith agat.

**Mr Kinahan:** I, too, welcome the Bill, which has been long awaited and has involved a lot of hard work, on which I congratulate everyone. I, too, long to see the fly-tipping protocol agreed, and I ask that it be agreed before the Bill is enacted. My major concern about the protocol is to ensure that we do not enter a world where we are arguing over the size of waste dumps or who is responsible for them and, in particular, who will pay for clearing them. We need to ensure that, in the protocol, we have a fast, agreed and dynamic system for dealing with the problem, and I look forward to seeing it.

I am pleased to see that amendment No 1 raises the fine, yet the Department will still have the power to raise it further. Fly-tipping and illegal dumping are repugnant and lazy ways to deal with waste, so we have to make sure that everyone does what they are meant to do. I will not go into the other amendments in detail, although I welcome them all, and I look forward to speaking on my amendment in a second.

**Mr Dallat:** I add my support to the Bill and the amendments. I come from an area that has suffered considerably from illegal waste dumping and the difficulties that that brings, so I particularly appreciate the need for the Bill. Like other Members, I thank the Department and Committee officers for the harmonious way in which they helped us to work through Committee Stage to get the Bill to this stage.

Having been a councillor for many years, I am all too aware of the millions of pounds that are expended across the 26 councils every year on clearing up waste that is left by thoughtless people. Therefore, I support amendment Nos 1, 2, 3 and 4, and I tend to support Danny Kinahan's amendment No 5. I will explain that as I move through the debate. The increase in the fixed penalty is significant and important, because a considerable body of research in other jurisdictions shows that results are very positive when fixed penalties are increased. Of course, I take into account the fact that some people may not be able to afford to pay. However, I suppose that the answer to that is for them not to contribute to the waste.

In relation to amendment Nos 2, 3 and 4, I agree that councils should have the same power to enter premises as the Department. I do not see any point in affording anyone the opportunity to escape conviction for what I believe to be very serious crimes, and I am particularly pleased that the 24-hour warning will not be afforded, because, as we all know, massive changes can be made in 24 hours.

In relation to Mr Kinahan's amendment, I am influenced by what I have seen in other countries, particularly France, where rigid conditions are imposed at the point of collection, allowing the quality of waste to be enhanced significantly.

**1.45 pm**

**Mr Deputy Speaker:** The amendment on the issue of quality is in the second group.



**Mr Dallat:** I thank the Deputy Speaker for reminding me of that, and I apologise to Mr Kinahan if I have gatecrashed his section of the debate. However, I am sure that he will be relieved to know that his amendment has some support.

In general, the Bill is important, and its provisions will certainly be one of the positive aspects of the existence of local councils. We, therefore, support the Bill at this stage.

**Mr B Wilson:** I support the amendments. As a councillor for many years, I found it frustrating that we could do very little about illegal dumping. I, therefore, support these amendments, because, as well as giving councils additional powers, they would give them the same powers as the Department.

**Mr McGlone:** Like my colleague and party spokesperson on the environment, I support the Bill. Having sat through discussions on it, I compliment the Department for its hard and industrious work on the Bill, which addresses a very serious issue. I support all these amendments, but I wish to dwell a lot on amendment No 5. However, with your guidance, Mr Deputy Speaker, would you prefer it if I waited until we came to that group?

**Mr Deputy Speaker:** That amendment will be debated in the next group.

**Mr Lyttle:** I, too, support the amendments and welcome the hard work of the Department and the Committee on the Bill. I have direct experience of the scourge of illegal dumping in my constituency, so I welcome the increased powers to tackle the problem. I recognise the importance of waste management in protecting our natural environment for present and future generations. As custodians of the environment, that is one of our most important responsibilities from a moral and, increasingly now, an economic perspective.

To fully protect the natural environment, we will, of course, be required to lead attitudinal change on and awareness of the impact of the waste that we produce as individuals and as a community. The Assembly should, therefore, fully support the approved management and enforcement of illegal waste disposal that the Bill, if amended, would introduce. The increased powers for local government and enhanced partnership working between the Department and councils in tackling the illegal disposal of waste from fly-tipping and more serious criminal

activity are particularly positive provisions of the Bill, if amended.

Amendment No 1, which would raise the upper limit of a fixed penalty notice from £200 to £400, is to be welcomed. Amendment Nos 2, 3 and 4 would give councils the same powers of entry and investigation as the Department of the Environment. I think those are sensible recommendations from the Environment Committee, and they would further enhance enforcement of appropriate waste management in the region. I note that no amendment to clause 4 was tabled, which is evidence of the agreement in the House that suspected offenders of illegal dumping should be served with a notice to clean up that waste.

I also welcome the improved contaminated land provisions, and, from an environmental and economic perspective, I support the more effective identification and restoration of contaminated land that the Bill will introduce. I am, therefore, content to support amendment No 6 and the changes to schedule 1 to the Bill, which are proposed by amendment No 7.

In conclusion, the Minister of the Environment, the Executive and the Assembly must continue to lead fundamental attitudinal change in the community on the need for positive custodianship of our natural environment and on the impact that our waste production has on the world around us. However, we must also ensure that waste disposal and treatment are tightly controlled. I am content that the Bill, if amended, will improve local governance on this important matter.

**The Minister of the Environment:** I thank Members for the issues that they raised on the first group of amendments. I will briefly cover the points that were made.

The Chairperson of the Committee for the Environment, Cathal Boylan, raised the issue of an agreed protocol. We have been discussing unofficially with local authorities how we can better deal with fly-tipping. We now intend to enter into full consultation with local authorities on that issue. Prior to that full consultation, we have had discussions around the scale of the problem and about whether local government would be involved in the clean-up or the Department would take responsibility for dealing with fly-tipping. The Department's opinion was that it would kick in at around 20 cubic meters, which, it was indicated, is the equivalent of one

tipper lorry load. That represents a substantial amount of waste, and it would be right and appropriate that the Department should take over at that point. Assurances were sought that those elements of the Bill would not be introduced until a fly-tipping protocol was in place. I will give that assurance that it is not the Department's intention to introduce those aspects of the Bill until a fly-tipping protocol has been agreed and is in place with local authorities.

Some Members welcomed the raising of fees. It is the right thing to do. Other Members indicated that the Department has to give a lead on issues relating to waste and developing attitudinal change. That has been happening for quite a number of years now, going back to the Wake up to Waste campaign. We are now looking at Rethinking Waste, and a lot of effort is being put into media campaigns, into basic education in schools and through local government and councils. A considerable effort is being made to educate people, and I believe that people are responding. That is why we have 35% recycling, and it is why recycling is growing. People are dealing with their waste in a much more sensible way than dumping a settee or a bag of rubbish at the side of the road. Such actions are an inconvenience for everyone and a hazard for many people, and they make unnecessary work for local authorities when there are ways and means of dealing with that waste without imposing huge financial burdens on ordinary people.

I thank Members for that. I ask the House to support amendment Nos 1, 2, 3, 4, 6 and 7.

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

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

*Clauses 2 to 4 ordered to stand part of the Bill.*

#### **Clause 5 (Councils to enforce Articles 4 and 5 of 1997 Order)**

*Amendment No 2 made: In page 6, line 37, leave out*

*“(but not regulations under Article 5 (7))”. — [The Minister of the Environment (Mr Poots).]*

*Amendment No 3 made: In page 6, line 41, leave out*

*“(but not regulations under Article 5(7))”. — [The Minister of the Environment (Mr Poots).]*

*Amendment No 4 made: In page 6, line 41, at end insert*

*( ) In Article 5A of the 1997 Order (fixed penalty notices for certain offences under Article 5(8))—*

*(a) in paragraph (1) for ‘the Department’ (where it first occurs) substitute ‘an authorised officer of an enforcing authority’ and for ‘to the Department’ substitute ‘to the enforcing authority’;*

*(b) in paragraph (2) for ‘Department’ substitute ‘authorised officer’ and at the end add ‘to the enforcing authority’;*

*(c) in paragraph (9) for ‘the Department’ substitute ‘an enforcing authority’;*

*(d) in paragraph (11) for ‘The Department may’ substitute ‘An enforcing authority may’ and for ‘by the Department’ substitute ‘by the enforcing authority’;*

*(e) for paragraph (13) substitute—*

*‘(12A) Article 22C (use of fixed penalty receipts by a district council) applies in relation to amounts received by a council under this Article as it applies in relation to amounts received under Article 22A.*

*(13) In this Article—*

*‘authorised officer’ means an officer of the enforcing authority who is authorised in writing by the enforcing authority for the purposes of this Article;*

*‘enforcing authority’ means—*

*(a) the Department; and*

*(b) in relation to an offence committed within its district, a district council.’ — [The Minister of the Environment (Mr Poots).]*

*Clause 5, as amended, ordered to stand part of the Bill.*

*Clause 6 ordered to stand part of the Bill.*

#### **New Clause**

**Mr Deputy Speaker:** We now move to the second group of amendments for debate. There is only one amendment, amendment No 5, which would allow the Department to set requirements for the quality and nature of waste for recycling.

**Mr Kinahan:** I beg to move amendment No 5: After clause 6, insert the following new clause

*“Quality of waste to be recycled*

6A. After Article 26 of the 1997 Order insert<sup>3/4</sup>

*‘Quality of waste to be recycled*

*26A. The Department may by regulations provide that in carrying out their duties under Article 20, district councils must meet such requirements as may be prescribed, in relation to the nature and quality of waste which is to be recycled.”*

I am very pleased to debate the amendment today as the subject was discussed, albeit rather broadly, in Committee, and we did not all agree at the time. I wanted to learn a little bit more about the subject and, having done so, I tabled the amendment. The intention is to give the Department the necessary powers to regulate the nature and quality of waste that is being recycled. However, I was perplexed about why the matter was not proposed and agreed to in the Committee as it seemed extremely sensible.

As all Members know, we have European targets to recycle 50% of our waste by 2020, and I am told that the Minister hopes to raise that to 60%. The landfill figures for councils show that many are struggling to get near that figure and that they are all trying to meet the targets in different ways. I will be slightly partisan and congratulate Antrim Borough Council on being one of the top four councils that are below 50%. Different councils have different levels of achievement, different ways of recycling and, I imagine, different cost considerations as they try to reduce recycling costs. We need to ensure that they reach their landfill and recycling targets. We should note that four councils are below 50% at the moment. No others are below 60%; it is the same four. However, six are still over 70%. Therefore, there are problems, and we should try to set standards on recycling. That is very much part of the amendment.

The presentation notes that came to our Committee showed that 11% and 26% of the material that two of the recycling companies, namely Huhtamaki and Cherry Polymers, are being provided with is being rejected and, therefore, going to landfill. That indicates that some of the councils are maybe not achieving their figures in the right way and that they are passing the landfill on to somebody else. I appreciate fully that councils have financial pressures, and I do not see the amendment as one that gives the Department the power to come in incredibly strongly. Rather, it should be able to come in when it is necessary to set recycling

standards. We must set good standards in Northern Ireland when they are needed.

The export controls allow us to export lower quality, and that is one way that allows some councils to deal with their waste more cheaply or allows recycling companies to have a lower standard. However, that waste may well end up in landfill in another country or be re-sorted at their expense. The latter possibility is fine, but I do not think that any of us here wants further landfill in other countries. I am also told that it will cost only another 0.1% of the costs to put a standard recycling monitoring system in place.

**Mr T Clarke:** Will the Member give way?

**Mr Kinahan:** I will let you come in when I get to the end.

I was given other figures that I need to explore further. However, I have it on very definite authority that the Waste and Resources Action Programme (WRAP) research is telling us that 25% of recycled waste is appallingly bad and of such a low quality that it is no good to anyone. However, a great deal of the remaining 75% is also of a very poor standard. The Committee has not had time to consider that, and that is why I tabled the amendment. If that is really happening with the recycling of waste, we should look at that with great concern.

We need an accurate measurement and to sort it out so that we do not simply have a vague summary. I hope that all Members will support my amendment.

**2.00 pm**

We know that the revised waste framework directive, in which quality guidelines will be issued, is coming from Europe. Quality is very much an issue. Therefore, we must agree this amendment so that we can deal with that. I will now give way.

**Mr T Clarke:** I thank the Member for giving way. He said that he had wanted more information before tabling his amendment. From where did the Member seek that information? Was it from a group that would benefit from the waste? If that was the case, does he agree that, through talking directly to the market and tabling an amendment, he is interfering with the market process? That would mean that he is getting involved in something that he should not get involved in. We should encourage the free market.

**Mr Kinahan:** I thank the Member for that good point. I was very much aware that that may well have been behind the figures that I was given, because it started off with my being lobbied by someone who is on one side of the market. I was keen not to propose an amendment that would allow one side of the market to benefit over the other. However, we must remember that this issue should not always be driven by the market but by the standards that we, in Northern Ireland, want to set. That is why I tabled an enabling amendment that the Department could take on board. I am intrigued to hear the Minister's response. I want the Bill to provide the chance to deal with waste and to make sure that it is recycled to the right standard when we want it to be. If that does not happen now, we will have missed our chance.

**The Chairperson of the Committee for the Environment:** Go raibh maith agat, a LeasCheann Comhairle. As we heard, amendment No 5 provides enabling powers for the Department to introduce, by regulation, targets for the quality of recycled material to be produced by councils. The Committee debated the issue at length. Following a visit to a waste recycling plant, members were concerned that the quality of recycled material collected by councils would deteriorate as councils were placed under building pressure to increase their amounts of recycled material. That scenario could have the perverse effect of increasing the waste that goes to landfill if a reduction in quality rendered the material too poor to enter the recycle market.

The Committee was briefed by the Department and received information from waste recycling companies that showed that not all such companies were of the one opinion on this issue. The Committee recognised that if such a power was invoked, it could place considerable cost burdens on local authorities and force them into waste collection models that may be less cost-effective in their particular circumstances. The Department informed the Committee that it is trying to achieve the same goal through voluntary initiatives and stressed that no other legislature had introduced legislation of this kind.

The Department was also concerned that a singular focus on quality could compromise our ability to meet EU recycling targets, which are solely quantitative. The Committee agreed that, on balance, it would be wiser to allow market forces to dictate the approach adopted

by local authorities in conjunction with waste management groups and material recycling facilities. Therefore, the Committee did not support the amendment.

With your indulgence, I will say a few words as a Member for Newry and Armagh. I waited to see what information on cost Mr Kinahan would bring to the table. The Committee debated the issue, and I know that some Committee members will speak today who were not there when we took the vote. I have to be honest: I think that you are misguided about the 0·1%. We need clarity around those figures from an independent source. We need to know what the amendment will cost councils. You said that it is enabling legislation, but there is nothing to stop it being enacted at any point in time. I visited Bryson House, and I found that all councils would be punished for the behaviour of a few.

Mr Trevor Clarke said today and in Committee that we should not favour one MRF over another. We should look across the board independently. In Committee, we received information from different MRFs.

**Mr Kinahan:** Do you not appreciate that we did not necessarily get all the facts in Committee? I am trying to ensure that we set high standards. The markets should not be the sole way of doing things in the future.

**Mr Deputy Speaker:** I remind Members to address their remarks through the Chair.

**The Chairperson of the Committee for the Environment:** I agree with what Mr Kinahan said about putting something forward on quality. We did bring forward the idea that we should look at the issue of quality, and we have put that in the report. However, he is saying that we did not receive all the information, but he is trying to make the case today for his amendment using only a certain piece of information. Perhaps more homework should be done. We received information in Committee from different groups, and rather than steer down one road in support of one group as opposed to another, let us get the information independently checked. The fear for us in Committee was the cost to the ratepayer. Nobody has convinced us — although perhaps other Members will when they get the chance to speak — that it will not be a cost to the ratepayer.

I agree that there should be a quality element to dealing with waste. Some councils are making



their targets. I put it to the Minister that, instead of incentivising councils that are making their targets, why not incentivise all councils? For instance, the Minister came with us when we went to Magherafelt District Council and saw the new contract that it has signed and the good work that it is doing. Banbridge council and my district council area, Armagh, are reaching their targets, and we should be incentivising those councils. However, this power would be a stick to beat those councils with. I agree with putting the quality element in our report, and perhaps the Department could look at that in other ways. However, putting it in legislation at this point in time —

**Mr Beggs:** Does the Member accept that the amendment is enabling legislation that would allow the Minister and the Department to make such judgements as to what intervention, if any, would be appropriate? It was mentioned earlier that the Department is trying to achieve the same goals through a voluntary mechanism rather than through using legislation. Should that voluntary mechanism be unsuccessful, the amendment would enable some sort of direct intervention so that we do not produce low-quality recycled material for export elsewhere that would, potentially, go to landfill. If waste is not being recycled, we may just be exporting problems, rather than ensuring a reasonable quality in our local recycled materials.

**The Chairperson of the Committee for the Environment:** I take the Member's point on board, but the amendment could also be construed as a stick to beat councils with. I will say again that, whether it is called enabling legislation or not, it is a stick to beat local councils with. At the end of the day, ratepayers will pay for this.

The question around quality is: why are some councils achieving their quality targets but others are not? Questions such as that need to be asked. A lot of Members sit on councils and in the Assembly. I would like them to go back to their local councils to ask those questions. I have left Armagh council, but, as a ratepayer, I have asked whether I am getting value for money. Armagh is achieving its targets.

Mr Kinahan knows that it was me who suggested the quality issue when we went to Bryson House. However, on the whole, there is not enough information and a strong enough argument is not being made today about the

figures. If Mr Kinahan had come to me to say that it would be of little cost to councils and that there would not be much change, I would have looked at the amendment. However, as a Sinn Féin Member, I cannot support the amendment.

**Mr Ross:** We will not be supporting the amendment either. Quality of waste is an important issue, and the amendment put forward by Mr Kinahan was probably well intended. Yet it is the unintended consequences of the amendment with which we perhaps have some difficulty. The Chairman said that the Committee has discussed the amendment, and he quite rightly said that the organisations that came forward had different opinions on it. It is probably fair to say that the companies benefitting directly from this are those that support it, which is a warning to us all of the dangers of interfering in the area.

During discussions, two key issues caused some Committee members concern. First, this is an issue over which local councils have power, and it is a contradiction that Mr Kinahan is tabling his amendment while many Members are calling for more powers and greater responsibility to be devolved to local councils. His amendment will remove some control and autonomy from local councils and will mean central government taking decisions for them. I am concerned about that. Local councils should have more power and should retain their power in this area. If there are issues with some council areas, the focus should be on those areas, and Mr Kinahan's colleagues on those councils should be bringing those issues to council meetings.

The second concern with the tabled amendment is that it will represent a significant change to the Bill and there will have been no public consultation on that change. If the amendment is agreed, a number of organisations throughout the Province will quite rightly say that there has been no consultation. We must be cognisant of that so that we do not leave ourselves open to criticism.

The Chairperson referred to the costs to taxpayers should the amendment be agreed. A number of councils in Northern Ireland operate some form of co-mingled collection of waste, and many are tied into contracts. If the amendment is agreed, and if the Department takes action against councils that are tied into longer-term contracts, there will be an obvious cost to those councils, which will be passed on



to ratepayers. We need to be cognisant of the potential for significant costs to be placed on councils and ratepayers.

The Committee was also concerned about intervention and interference in the market. Indeed, I am surprised that Mr Kinahan is so anti-market given that his party is aligned with the Conservative Party. It is strange that he is so opposed to a free market on this issue. Importantly, if the amendment is agreed, that will represent an intervention in the market, and as recycling companies are able to provide their services and not many of them are having difficulty in doing so, it is hard to justify the necessity for that intervention.

It is also important to say that if the Department —

**Mr Beggs:** We heard that 26% of some samples of recycled materials were made up of waste that is not suitable for recycling. If the market resulted in the production and export of extremely poor quality material from MRFs, with high levels of contaminants, would the Member still feel that there was no reason to intervene?

**Mr Ross:** I am always interested to hear Mr Beggs's opinions on dumps and waste, and I know that he has some knowledge of the issue. However, it is up to individual councils to determine how they deal with that, and if councils accept recycled materials that are not up to the necessary standards, it is up to them to change that. Mr Beggs and Mr Kinahan have been heavily influenced by the lobbying of certain companies that would gain an advantage from this type of intervention. I said that at the beginning of my contribution, and we must be aware and careful of that.

If the standards that were introduced were too high, it is possible that the amount of recycled material would be affected and some of it would not reach the level determined by the Department. As an unintended consequence, we may end up with more waste going to landfill. That is not what the amendment intends to do, but it may happen. Likewise, if standards were too low, there would be no incentive for companies to try to improve them. The tabled amendment has unintended consequences, and, as I said earlier, although it is well-intentioned, when we drill down into the detail, we all have concerns with how it will play out. Therefore, the DUP will not be supporting the amendment in the name of Mr Kinahan.

## 2.15 pm

**Mr Dallat:** I feel that I should support amendment No 5. I welcome individual thinking in any group, particularly in a discussion about something as serious as waste. Although I was not present at the Committee meeting — I may have been adding to the carbon footprint elsewhere, but I cannot remember — I think that the amendment is worthy of consideration. I have spent a long time on a council on the north coast that is told, year in and year out, that market forces prevent any kind of recycling because it is always cheaper to chop down trees, pour waste oil down drains, and so on. If we are saying today that we rely on market forces to improve the environment and to encourage recycling, I am afraid that the future is not particularly bright.

The Bill is important, and it would be a pity to not take on board amendment No 5, which was proposed by Mr Kinahan. We can debate non-contentious issues without getting into people's personal lives and stuff like that. The remarks that were made earlier were unfortunate. Let us focus on the Bill. Amendment No 5 creates an opportunity to reinforce in the public's mind the absolute need for the highest standards. Mr Deputy Speaker, you may have read in the newspaper recently about one recycling company that has stopped accepting waste because it was finding dead animals and all sorts of things in it.

I would prefer that we have a healthy debate. We can vote and then continue the positive and helpful work of the Committee.

**Mr B Wilson:** I, too, support amendment No 5. As Mr Beggs pointed out, the legislation is only enabling legislation. We hope that it will never be necessary. If local councils are not meeting their standards, and a lot of their output is being dismissed because of contamination, there must be a body that regulates and monitors that. Who will lose out if that does not happen? It will be the ratepayers who pay council tax.

More important is all the contaminated waste that has been discarded, as it undermines public confidence in the whole waste system. It is important that councils are continually reminded that they must improve the quality of their waste. A few weeks ago, North Down Borough Council was told that its area's waste has deteriorated in recent years. We took measures to publicise that and reissued

guidance on what should be put in each of the bins, and so on, to try to improve quality. The reminder that standards are not being met is important. The amendment will create an enabling power that I hope the Department will not use, but it will be there to help.

**Mr Deputy Speaker:** I call Mr Peter Weir.

**Mr Weir:** Thank you, Mr Deputy Speaker. I saw you looking around for a second, trying to see where I was.

I declare an interest as a Member of North Down Borough Council, which the Member who spoke before me failed to do.

Amendment No 5 will affect councils, but there are a number of reasons why, although it is well intentioned, it is not the right amendment. I will pick up on some of the remarks made by Mr Brian Wilson and Mr Kinahan. Mr Wilson said that it was simply an enabling power that he hoped would never be used. The proposer of the amendment said that he did not want the Minister to be using the provision “incredibly strongly”. The whole point is that, once the stick — that is, an enabling element — has been created, there cannot be a degree of control over when that stick is brought out, who it hits and how hard it hits them. Although I have every faith in my colleague the Minister of the Environment, in six months’ time, a new Minister from another party may be in office. We are talking about legislation, which gives a particular level of power to the Department, that will supersede the good sense that any individual may have. That is the first element of my reticence about the amendment.

Secondly, there is no doubt that there has been a very strong focus by councils on the issue over the past number of years. That focus has been necessary, even if they did not want it. For instance, anybody who has served on a council will know that the bill for waste and related issues, such as landfill, accounts for about 55% or 60% of expenditure for most councils. It will not be productive to add an extra burden to councils by creating a situation in which there is a higher level of uncertainty for them, in that they will not know what changes they will have to make to their methodology.

The amendment’s focus is the wrong way round. As has been highlighted, the amendment would advantage certain companies at the expense of others. However, it is not the recycling

companies that are at fault. If there is an argument, it is about the differential way that some of councils approach the issue. If we are looking at any degree of corrective action, financial or other, as the Chairperson of the Committee discussed, I would have thought that the focus should surely be on finding ways that the Department can work with councils. The amendment takes the focus away from that.

There is a danger that, if agreed, the amendment would lead to a focus that would heavily advantage a small number of companies that, I suspect, have been fairly effective in their lobbying on the issue. However, it would disadvantage a large number of other companies. There are two problems with that. First, the market is evolving and developing. Consequently, we do not want to create any barriers to market entry. Indeed, we want to facilitate the widest range of choices. That is right from a broad philosophical viewpoint. From a council point of view, if we create a situation in which the market is extremely limited, and if we get into what could be described as a neo-monopoly-type situation, there is a danger of the leverage being entirely handed to those companies at the expense of the ratepayer. That will mean that we end up with councils paying through the nose to deal with waste. I think that there is a problem there.

Additionally, there is a concern that if very high standards are enforced, people’s natural reaction will be to shy away. If people feel that there will be some level of contamination, they will shy away from trying to recycle at all. Therefore, there could be a negative impact on recycling, because it could lead to a situation in which councils and individuals do not pass on waste in the first place. The end result will be a driving down in the amount of recycling.

I think that there is a more nuanced position for dealing with the issue. It probably lies in the relationship between the Department and the councils rather than in trying to restrict the market through the companies. Therefore, I want the philosophy behind the issue to be taken forward in a different way. If accepted, the amendment will be counterproductive to the end result that I am sure we all want to see. Therefore, I oppose the amendment.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. I appreciate the mature debate that we are having on the amendment.

I appreciate the rationale behind it. As others said, the amendment is well intentioned, but in light of new information, I cannot support it. I was at only a couple of meetings on the Bill, so I came to the issue late. It became clear that there was a difference of opinion between the companies on the matter. Therefore, I cannot support the amendment, however well intentioned.

Similar to others, I am concerned about the impact that the amendment would have on local government and, ultimately, the ratepayer. If agreed, the amendment would have serious financial implications for local authorities. I declare an interest as a councillor on Down District Council. Another implication is that more material would be deflected to landfill, which is not what we are trying to achieve. The amendment would send out mixed messages.

There is also a slightly hidden agenda. Perhaps somebody wants a waste stream with high calorific value to go for incineration to make incineration economically viable. I am not sure how well intentioned the amendment is.

As a local councillor and former member of Arc21, I have good knowledge of the waste industry. From a local government perspective, a huge amount of money is directed at recycling and, indeed, at the whole waste management programme. Anybody involved with local government will understand that. Should we seek to impose more financial burdens on local authorities at this time? A lot of legislation is coming from the Assembly to local government, and people are screaming out to keep the zero increase in rates. Therefore, it would be very difficult for local authorities to carry out what the Member is trying to achieve.

We have to ensure that there are more incentives for the public to do the right thing, whether that relates to co-mingled waste or kerbside collection. There should be more of the carrot, instead of the stick. There should also be incentives through grant aid for communities to improve their recycling. Housing estates with a threshold of good, uncontaminated recyclables should be rewarded with a grant to use for an environmental scheme in their locality. Such incentives would be much more beneficial.

As was outlined, councils were not consulted on the amendment. They did not bring it back to their members. NILGA, obviously, would have serious concerns, and I know that the

LeasCheann Comhairle would have serious concerns. Have particular parties thought that through, even with their local government colleagues? It is OK saying something up here, but when it goes down to local government level, the same parties fight to throw it out. Sometimes, Members need to think things through and carry out a bit more consultation.

**Mr Beggs:** One piece of evidence that was given to the Environment Committee when I was on it was that some councils were introducing cloth into blue bins. The contents of blue bins are becoming increasingly complex, and material recycling facilities are not effective in separating those items. In fact, fibres were starting to contaminate some of the paper products. That material, which is being recycled by MRFs, still appears in the system as recycled material. It does not appear in anybody's bottom line. I suspect that the system is generally happy with that, but we are producing contaminated material that is difficult to recycle. It is important that that does not continue. Good quality material must be genuinely recycled, rather than simply appearing to be recycled.

If councils did not address such issues, the mechanism under discussion would give the Minister real authority to set quality levels that would insist that contamination be dealt with, rather than simply asking people nicely to deal with it.

**Mr W Clarke:** I thank the Member for his intervention. However, it comes back to the contracts that councils have with the MRFs. If a contract states that the MRF must take those materials along with paper, it is fair enough. However, a council knows what can be put into blue bins and other kerbside collections when it negotiates a contract. Therefore, I do not see that as a problem.

Councils have done a great deal to educate people about recycling. Fair enough, there are European directives, but it was primarily councils alone that carried that forward.

Councils took difficult decisions and put a lot of resources into involving people in recycling. It was a long journey and a longer journey for a lot of others.

### 2.30 pm

Council officers are placing a greater onus on inspection to ensure that bins are not

contaminated. Councils and the Department need to work more closely with statutory agencies such as the Housing Executive and housing associations on how large housing estates are delivering waste management. There is a lot of cross-contamination in flats in particular, where refuse collections are not as well regulated as those for individual homes. There is work to be done on that.

Councils will ensure that MRFs improve when their contracts for recyclables are renegotiated. Councils do not want waste coming back to them and the burden falling on ratepayers of paying the cost of putting the waste into landfill in addition to a hefty fine. That situation will regulate itself and, in these more stringent times, councils will refocus their energies in that regard. Introducing a compulsory standard would restrict recycling targets, which would defeat what people are trying to achieve. That is why we will not support the Member's amendment.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. I thank Mr Kinahan for tabling the amendment. When the amendment appeared in Committee, I was not minded one way or the other on it. Since then, I have done more research, and I certainly support the spirit of what Mr Kinahan is advocating. It raises issues on the political philosophy front, if I can call it that. Some parties here say that we should let the market determine the standards, and Mr Kinahan is being condemned for being linked to the Tories even though he talked about the introduction of standards to regulate the market. Therefore, the debate is unusual. Nevertheless, it raises serious issues.

Following discussions in Committee, I decided to make a few more enquiries about the matter. The issue boils down to quality control of the waste being sent to recycling plants. I contacted some businesses that accept waste. The standard of that waste is usually good, but in some cases, the standard is inadequate. This poses the question of how to raise the standard of the waste that goes to such plants, which are businesses that rely on high-quality material.

The argument that we should not interfere in the market is not justifiable. I have heard nothing that supports that argument with practical details. When departmental officials appeared before the Committee, I commended them on the vast bulk of their work, but they were not in

command of concerns in certain sections of the industry about the quality of material. In fact, they were not aware of those concerns at all. They have since visited some recycling plants to refresh the contemporary nature of the detail that they had when they assessed such matters.

At one level, if material being sent to a recycling plant is not of the quality required by that business, it will wind up in landfill.

**Mr Dallat:** Does the Member agree that the public are often well ahead of the game and are looking to the Assembly for guidance on how they can ensure that more materials are recycled? Does he also agree that the amendment would do nothing more than put in place practice that has existed in France and other European countries for many years, long before some people in this part of the world even realised what recycling was about?

**Mr McGlone:** I accept the Member's point entirely and thank him for it. The Assembly is supposed to encourage and nurture waste recycling. Mr Ross made the point about setting standards too high. The Assembly will not set standards too high if it is fully in command of the details and the requirements of the industry and, indeed, of society to encourage and nurture that recycling. I support the spirit of Mr Kinahan's argument: if adequate standards are not encouraged and set, what would happen? Quality could drop.

Exports from this country go to Asian countries where, perhaps, standards are not as high as they are here. That is not an argument for standards not to be high here; it is an argument for standards to be high, for recycling to be encouraged and supported and, indeed, for the industry to take off in this part of the country to the same level as that of European colleagues in a way that has not happened to date.

Those issues have been raised, and I thank Mr Kinahan for his amendment, which brings focus to them. We cannot deny that those issues with regard to waste recycling exist in the community. The way to deal with them is not through unregulated market forces; it never has been. We have seen how unregulated market forces have left world economies over the past while. They may bring about a wasteland of a different nature. That is not the way forward.

**Mr Lyttle:** I support the amendment and agree with my colleagues who have argued



articulately in favour of it. The argument is not about market or council interference. It is not even about beating people with big sticks, as has been suggested. It is about the Assembly setting standards for recycling in Northern Ireland. I welcome the fact that it would give the Department the option to regulate on the nature and quality of waste to be recycled. That is a positive provision, which would demonstrate the Assembly's willingness to show leadership on the important issue of recycling.

Evidence shows that good quality control in recycling has environmental benefits and increases the amount of money received per ton collected while ensuring that the product can be sold. I understand why some members of the Committee for the Environment have concerns and are unable to support the amendment. I have also taken on board Mr Clarke's confession that he is well experienced in rubbish production. It is not the case that members are opposed to recycling or good quality control. Although I understand their concerns about cost implications and meeting EU quotas for recycling, recycling is not just about meeting quotas; it is about reducing impact on climate change and improving the environment.

Good quality control is key to good recycling. The Assembly must take the opportunity to show leadership on the issue. Therefore, I support the amendment.

**The Minister of the Environment:** I welcome the opportunity to respond to the debate. Having had an opportunity to give the amendment careful consideration, I have decided to oppose it on good grounds.

First, I recognise fully that a sustainable market for recyclables requires a consistent supply of material of a standard acceptable to the marketplace. I note concerns expressed by some stakeholders about the quality of recyclables. At this point, I must say that Bryson Recycling has been a leader in that regard. It has been ahead of the game. It is a social economy project that has set the highest standards in everything that it does.

As recycling has developed, other individuals have taken an interest in it. The private sector has taken an interest in it. Benefits are to be derived from it. Other businesses are involved and are doing a job. It is not for us to get involved in setting standards at this point for materials that will be sold to another market; it is for the people

who buy the material to set the standards and pay for the material that they receive.

I heard Mr Beggs talking about paper getting mixed with fabric and so forth, and about such contact leaving the paper valueless. I do not think that any MRF would last very long if that were the case. They survive on the product that they sell. Some Members who spoke in the debate came out with nonsense about people taking material to an MRF, sorting it and, if it is not of a good enough quality, exporting it to be dumped in a landfill site. That is not happening. It does not make financial sense. The MRFs that are operating are doing so on the basis that they will sell their product.

A lot of those companies have made huge investments in technology and equipment that can successfully separate the materials and achieve very high values for the product at the end of its life. There would be no point in having paper, which is worth roughly £50 a ton, contaminated by fabrics and not being able to achieve that price for the paper. There would be no point in producing plastics, which are worth around £100 a ton, and those going to a landfill site when they have that value. The people in that market are probably in it because they see it as a good business opportunity: fair play to them. We need people to look at business opportunities and to create jobs in this country.

We also need to ensure that we meet the targets for 2020 that have been set for us by the European Union. A target of 50% has been set. Not only will we achieve that target, we will surpass it. As a consequence of surpassing it, we will not need to spend the £600 million of public money that was identified for the facilities for energy recovery from waste, such as the potential incinerators, anaerobic digesters and gasification units, because we will have more recycling, and, as a consequence of that, the bill will be reduced.

If we go down the route proposed by Mr Kinahan and have a Rolls Royce recycling quality of waste, we will not get the quantities required to meet our targets. Therefore the councils will end up paying a tax to the European Union and more of our waste will go to landfill. I am surprised at Brian Wilson wanting more waste to go into landfill. That produces more methane gas and leachate, which are damaging to society and create global warming. I do not know what the Green Party has come to.



Mr Beggs referred to enabling powers. If they are enabling powers, we need to ensure that they are drafted correctly in the first instance. Amendment No 5 is restrictive and specific. It requires councils to meet certain standards. It could not be used to set quality standards for output from MRFs, for instance. They are going after the councils, not the MRFs. We need to be certain about what we intend to achieve. There has not been consultation on that issue, nor is there research to justify it.

A couple of months ago, there was a media campaign on recycling. I condemn that campaign. A lot of people who were engaged in recycling were asking what the point of recycling was, if the materials were going to landfill. That was not the case, but it was made out to be so for particular interests. That was wrong.

Let us look at our targets and forget about meeting the EU's 50% target. Let us exceed that target greatly, because it is in the interests of the people of Northern Ireland that we go beyond the 50%. It will reduce the amount of material that goes to landfill and the amount of money that we have to spend on capturing energy from waste. It will enable us to sell more waste at a good value, whether that be paper, metal, batteries or plastics. Let us not get hung up on the quality of waste when we have not achieved the quantities that we need to achieve. When we have got to the quantities that need to be delivered and exceeded those, then, if an issue about quality is identified, it might be an appropriate time to deal with it.

## 2.45 pm

**Mr Kinahan:** I thank everyone for what was a much livelier debate than I thought we might have. I thought that it was a reasonably simple issue, in that we need to set some standards for the quality of our recycling, particularly as a lot of it is going to landfill, some of it possibly in other countries. I learned a great deal from some of the wisdom that has come from all Members today. I congratulate some of the Members of the party to my left on supporting their Minister, but among the petty point-scoring points there were some very good points.

I could spend ages summarising this today. A particularly strong point was that we need consultation with councils and that perhaps tabling the amendment was not wise. I have certainly learned that a large number of us here want to see good quality control put in

place, and we need to find a way to do that. I do not see it as a council problem; I see it as one for the Minister of the Environment. If he is holding the stick, he then decides how to use it, rather than feeling that he has to use it all the time just because we have put it in his hand. I could go on in great detail, but I am not going to. My intention is to seek to withdraw the amendment, because we have learned today that there is a lot that we have to study on the issue, and I think that it has to be brought back to the Committee. I beg to ask leave to withdraw amendment No 5.

*Amendment No 5, by leave, withdrawn.*

*Clause 7 ordered to stand part of the Bill.*

### **Clause 8 (Appeals against remediation notices)**

*Amendment No 6 made: In page 8, line 38, at end insert*

*"( ) After paragraph (1) insert—*

*'(1A) Article 127(2)(b) of the Planning (Northern Ireland) Order 1991 (power to prescribe fees for appeals to the planning appeals commission under that Order) shall apply to appeals under this Article as it applies to appeals under that Order; and a notice of appeal to the planning appeals commission under this Article shall be accompanied by such fee (if any) as may be prescribed under Article 127(2)(b) of that Order.'* — *[The Minister of the Environment (Mr Poots).]*

*Clause 8, as amended, ordered to stand part of the Bill.*

*Clauses 9 to 14 ordered to stand part of the Bill.*

### **Schedule 1 (Amendments)**

*Amendment No 7 made: In page 11, line 7, at end insert*

*"4. In Article 82—*

*(a) in paragraph (1) at the beginning insert 'Except as provided by paragraph (1A)'; and*

*(b) after paragraph (1) insert<sup>3/4</sup>*

*'(1A) No order shall be made under Article 4A(10), 5A(10), 22B(5) or 42B(10) unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.'* — *[The Minister of the Environment (Mr Poots).]*

*Schedule 1, as amended, agreed to.*

*Schedule 2 agreed to.*

*Long title agreed to.*

**Mr Deputy Speaker:** That concludes the Consideration Stage of the Waste and Contaminated Land (Amendment) Bill. The Bill stands referred to the Speaker.

## Private Members' Business

### **Apartment Developments' Management Reform Bill: Second Stage**

*The following motion stood in the Order Paper:*

*That the Second Stage of the Apartment Developments' Management Reform Bill [NIA 4/10] be agreed. — [Mr McCarthy.]*

**Mr McCarthy:** Following extensive discussions with the Minister of Finance and Personnel and others, I will not move the Bill at this stage.

*Motion not moved.*

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

## **Hunting Bill: Second Stage**

**Mr B Wilson:** I beg to move

*That the Second Stage of the Hunting Bill  
[NIA 5/10] be agreed.*

I have introduced the Bill to bring Northern Ireland into line with the rest of the United Kingdom with regard to hunting with dogs. The Bill merely implements the provisions of the Hunting Act 2004, which applies in England and Wales.

I have had a long-standing opposition to blood sports and was a regular protestor against hare-coursing at Crebilly in the 1970s. I still remember, one particularly cold Boxing Day, listening to the screaming as the hare was torn apart. North Down Members have had a long and honourable record of opposing blood sports. My former party colleagues Bertie McConnell and Lord Dunleath introduced Bills to abolish hare-coursing in 1970 and 1982 respectively. Both Bills were passed but fell when the Northern Ireland Parliament and the Assembly were prorogued.

I know that I will be criticised for the Bill. It will be argued that I am a spoilsport and a townie, that I do not understand country folk and that this is a further attack on rural communities. That is not the case. I believe that blood sports are barbaric and that fox-hunting, stag-hunting and hare-coursing have no place in civilised society and must go the way of cock-fighting and bear-baiting. Hunting with hounds has no place in the twenty-first century and seeing animals ripped to shreds by packs of dogs cannot be considered a sport.

The 2004 Act has changed the mindset in the majority of hunts in England. They have turned to drag-hunting, which provides all the excitement, colour and tradition of the chase without the cruelty of a small animal being torn apart. The predictions of doom-and-gloom merchants who foresaw thousands of horses and hounds being put down and a massive increase in rural unemployment have not been fulfilled. As with many other issues, we should demand parity with the rest of the UK. This Bill will bring us into line with the rest of the United Kingdom and end this cruel and barbaric practice.

I know that some people would like to expand the Bill so that it goes further than the

2004 Act. However, that would involve total redrafting and major changes that could not be implemented in this Assembly session. I accept that some will be disappointed that the legislation is not tighter and will think that there are too many exemptions, but it is not possible to make the appropriate changes within the legislative time frame.

Hunting foxes and other wild mammals with dogs is cruel. There is no debate to be had on that issue. All the evidence shows that foxes experience extreme trauma during the chase, and being ripped apart by dogs, if caught, is a horrendous way for an animal to die.

**Mr D Bradley:** The Member said “all the evidence shows”. Will he detail the evidence to which he refers?

**Mr B Wilson:** Research was carried out at Oxford, I think, seven or eight years ago, that involved testing of animals. I am sorry; I will refer the evidence to the Member later.

There is no distinction between the cruelty that takes place at a fox-hunt and that which takes place in badger-baiting. Those are unsavoury activities whereby people set dogs on other animals to chase and kill them for human pleasure. Badger-baiting is rightly banned, but the equally cruel practice of fox-hunting is still lawful. It is time to put that right.

The question today is whether we, as Members of the Legislative Assembly, believe that it is right for people to take pleasure in the suffering of any animal. Any other arguments are just a smokescreen to hide the real issue. People hunt because they like it. I have no doubt that Members have received numerous letters from the Countryside Alliance and its members, stating that the issue is pest control, that my Bill is an attack on rural traditions and that a ban will be a disaster for the rural economy. Let us look at the facts and put those myths to bed once and for all. The first myth that I would like to tackle is that existing animal welfare legislation would ban hunting if it caused unnecessary suffering. It is true that the Welfare of Animals Act (Northern Ireland) 1972 prohibits the causing of unnecessary suffering. However, the very next paragraph states that hunting is exempt from those provisions. Why? If hunting did not cause unnecessary suffering, that exemption would not have been necessary.

**Mr Beggs:** Does the Member accept that there is also huge cruelty when a lamb is lifted by a fox? The reason why many people in the rural community are content that fox-hunting continues is that it deals with that pest and prevents cruelty to farmed animals, whether lambs, chickens or hens.

**Mr B Wilson:** I do not disagree that foxes cause cruelty to other animals. However, this is not about fox control. There are much more efficient ways of controlling foxes. Getting a gang of dogs to chase a fox is not the most efficient means of doing that. If a fox disturbs hens or other animals, you cannot get the hounds out that night to chase it. There are other ways of dealing with that problem. Hunts take place only on certain days of the year. A hunt will not deal with a specific fox at a specific time.

Either the Countryside Alliance is ignorant of the facts or they read the Welfare of Animals Act (Northern Ireland) 1972 right up to the point where it prohibits unnecessary suffering or did not bother to read it all. That seems unlikely. What is more likely is that the Countryside Alliance has deliberately misled its members, the public and Members of this House. Every objection letter that I received during my consultation on the Bill opposed it on the basis that the causing of unnecessary suffering to animals is already outlawed. It is not. Therefore, every objection was based on a falsehood. I ask Members not to further propagate that falsehood in their speeches and to look on the Countryside Alliance's other arguments with a degree of scepticism.

There are a few other myths that Members have been subjected to. The other nonsense is that fox-hunting is about countryside management. If that is the case, why is there a need for the pomp and ceremony? Why would people come out to watch it? If you have vermin in your house, you do not ask your neighbours to come round and watch you kill it. I do not deny that farmers view foxes as pests, but only 6% of foxes killed are killed by hunting. It is an ineffective means of pest control, according to the Burns report. I remind Members of my earlier point: people hunt because they enjoy it. It is a spectator blood sport that is an anachronism in the twenty-first century, and it is time that we banned it.

I would like to tackle the economic argument because I am aware that some Members

received a letter from our esteemed former colleague and renowned animal rights defender, Jim "The Shooter" Shannon MP. Jim claims that hunting is worth £40 million annually to the rural economy of Northern Ireland, but he was not kind enough to point out the source of that figure, other than to say he was told so by the Countryside Alliance. I have done some research in that area. According to the Burns report, an independent report commissioned by the UK Government, the direct contribution of hunting to the UK economy before the English and Scottish bans was almost invisible: £15.6 million across the whole of the United Kingdom. Therefore, the idea that hunting activities contribute £40 million to the Northern Ireland economy is a nonsense in a long line of nonsensical arguments.

Even were that true, a large proportion of that would come from drag-hunts, which do not involve a fox, and which I am happy to advocate as an alternative. I will come back to that subject later. What is more, the Countryside Alliance's own figures show that the participation in hunting has increased in England since the cruelty element has been removed. Therefore, if anything, the ban has increased economic activity in rural communities.

### 3.00 pm

The Bill will end unnecessary cruelty in hunting, bring Northern Ireland into line with —

**Mr D Bradley:** Does the Member agree with me that the Hunting Act 2004 in England and Wales is largely ignored because it is unenforceable, as, probably, will be his own Bill?

**Mr B Wilson:** Thank you for the intervention. I will come to that in a minute or two.

The Bill will end unnecessary cruelty in hunting, bring Northern Ireland into line with the rest of the United Kingdom and potentially increase economic activity in rural communities — so far, so good.

I now come back to the alternative to hunting. Drag-hunting allows those who want to continue the traditions of the hunt to do so in a manner that does not involve cruelty. In a drag-hunt, dogs follow an artificial scent rather than a fox. All the trappings of the culture can be maintained. In fact, many hunts are already drag-hunts as opposed to fox-hunts. Those who insist that hunting cannot continue without a fox



being killed, again expose themselves as taking pleasure in the killing of an innocent animal.

This is not an urban versus rural debate; it is an animal welfare issue, on which the public agree with me. A Millward Brown poll in 2006 showed that 79% of people in Northern Ireland opposed cruelty in the name of the sport. A MORI poll conducted in England showed that 75% of the population would not support a repeal of the Hunting Act, including 70% of people in rural areas.

Just last week, I was contacted by a farmer from Armoy. He was vehemently against hunting and expressed support for the Bill. He does not want hunting dogs on his land. He said that he had little or no trouble with foxes and that he should be the one to decide how to manage his land. He assured me that there were more effective and humane ways of controlling foxes.

**Mr Bell:** Will the Member detail specifically what he believes to be the more effective and humane way in which to kill a fox? Do not mess about: tell us how you propose to kill a fox humanely, as you said could be done. Tell us exactly what your policy is designed to do.

**Mr B Wilson:** I have no experience in killing foxes. I do not know how that would be done, but I know that experts —

**Mr Bell:** How are you going to kill them?

**Mr Deputy Speaker:** Order. Mr Wilson, take your seat. I remind Members, once again, that all remarks will be made through the Chair. Otherwise, I may have to cage somebody. Carry on, Mr Wilson.

**Mr B Wilson:** As I said, I have no experience of killing foxes, but I have talked to farmers who indicate that there are other ways of dealing with the problem.

**Mr Bell:** Will the Member tell us what those other ways are?

**Mr B Wilson:** As far as I am concerned, the issue is one of animal cruelty, not how one kills foxes. I will not be drawn into that area.

The farmer assured me that there are more effective and humane ways of controlling foxes, and he welcomed their presence because they keep down the rabbit population, which causes more damage to his crops. He also told me that neighbouring farmers were against hunting with dogs and did not want horses on their lands.

**Mr D Bradley:** As the Member is unable to answer the question asked of him, I refer him to his own Bill and point out that it states that, in the event of hunting being banned, foxes will be shot by a “competent” shooter. That is what his Bill states.

**Mr B Wilson:** That is certainly an option, but there are probably other ways of dealing with the problem. The vast majority of foxes that are killed are not killed by hunts; only 6% are, so there must be other ways. People in different areas have different ways of carrying out that exercise.

**Lord Morrow:** I have listened to the Member trying his best not to answer the question. Does he accept that, from time to time, foxes need to be culled because they are predators? If he does, will he tell the House what he feels is the most humane, efficient and effective way of doing that? That is a straight question that needs a straight answer.

**Mr B Wilson:** I repeat what I have said already: I am not here to tell people how to cull foxes. There are ways of dealing with the problem without fox-hunting, and that is where I intend to remain. The problem has been resolved in many areas. The vast majority of farmers and people who have problems with foxes resolve those in a much more humane manner than hunting with hounds.

There is a belief that the rural community is all in favour of hunting with hounds. I have met farmers who do not want hunts going through their farms but who will not say that publicly.

**Mr Molloy:** On a point of order, Mr Deputy Speaker. Is the Member not aware that farmers can object to a hunt going through their farmland on any occasion, including the advice that he is given about other forms of hunting? At the end of the day, farmers have the right to say whether people can go on to their land.

**Mr B Wilson:** Yes, but —

**Mr T Clarke:** Will the Member give way?

**Mr B Wilson:** No. Foxes do not know that. If a fox goes onto a farmer's land, do the horses or hounds stop? Of course not.

**Mr T Clarke:** Will the Member give way?

**Mr B Wilson:** No. I have given way too many times already.

**Mr T Clarke:** You have not answered yet.

**Mr B Wilson:** I am sorry; I will not give way.

The farmer from Armoyn whom I talked to also referred to a recent incident in which a pack of hounds charged uncontrolled through a neighbour's garden and caused physical damage to hedges, fences, and plants and frightened two young children who were playing in the garden. Given such incidents, it is easy to understand why some rural dwellers do not want hunts in their area. The fox does not know which farms have given permission for the hunt to take place on their land, nor do the hounds. It is no surprise, therefore, that hunts often trespass on neighbouring farms and cause damage to fences and hedges.

Members may recall the tragic case of Pip, the family pet that was ripped apart by hounds that were trained to kill; they did not distinguish between the family Jack Russell and a so-called pest. The poor children watched in horror as their much-loved dog was mauled before their eyes. The suffering of Pip was no different from the appalling death that foxes suffer to satisfy the bloodlust of the hunter. Pip's case brought home to the public, and quite literally to that family, the brutality of hounds that are trained to kill.

The Countryside Alliance likes to present itself as the voice of the rural community. It shouts very loudly, but the numbers are clear: hunting is the tyranny of a vocal minority. Members from rural constituencies oppose the Bill against the wishes of most of their constituents.

This is a necessary piece of legislation. The Scottish Parliament recognised that in 2002, and the UK Government recognised it in 2004. It is time that we in Northern Ireland recognised that there is no place in a compassionate society for hunting with dogs.

The legislation across the water is working. First, the ban acts as a deterrent. I agree with the Countryside Alliance that the majority of rural dwellers are law-abiding, and I have no reason to believe that they would be otherwise should we introduce a ban. However, those who choose to ignore the law will be brought to justice. By the end of 2008, 87 people had been found guilty of hunting offences in England since 2004. Yes, there were problems initially in implementing the ban, but they were overcome, and we can learn from experiences in England.

Members have raised concerns about the penalties in my Bill, and I am happy to discuss

the issue in more detail at a later stage.

However, Members should be aware that the penalties that I propose are in line with those proposed for animal cruelty offences in the Agriculture Department's Welfare of Animals Bill. It is important that we have consistency in the judicial system and that we send a clear signal that we will not accept animal cruelty in our society. Cruelty, by definition, is wrong. Hunting with dogs is inherently cruel. People who hunt do so for pleasure, and, therefore, take pleasure in cruelty. In our legislation, we abhor badger-baiting, but we condone fox-hunting. Which is it? Are we for or against animal cruelty? The question is that simple. I urge Members to support the Bill to ensure that this form of animal cruelty is outlawed in our society.

**Mr Irwin:** The Hunting Act 2004 enacted in England and Wales is seen by many as a mistake, and it has been impossible to enforce fully. Indeed, it came as no surprise to me that the decision to ban hunting was one of Tony Blair's regrets during his premiership. Recently, I heard him discussing his memoirs on TV, and he said that banning hunting was one of the biggest mistakes of his premiership. I find it hard to believe how many representations I have received since news of the Northern Ireland Bill has been carried. Indeed, I have been approached by more than 100 people from the community that I represent. I recall mass rallies and demonstrations across the UK against the ban, and I wonder how that failed to register with Mr Blair as he proceeded on his crusade against the countryside. Mr Blair's admission is of little comfort to those whom the 2004 Act has directly affected in England and Wales.

Of course, by tabling the Bill, the Green Party is jumping on the bandwagon for the sake of publicity, on a day when the Assembly is discussing more important issues, such as the Budget. The Green Party obviously cares little for the fact that country sports in Northern Ireland bring in more than £40 million to the economy and employ 2,000 people. Of course, Mr Wilson denies that. The Green Party feels that bringing Northern Ireland into line with the rest of the UK would be a beneficial move. However, this must be one of the few occasions when being set apart from the rest of the United Kingdom is a positive benefit.

**Mr D Bradley:** Does the Member agree that, although this is a devolved issue, what we have here today is direct rule: a Westminster Act

being delivered to us by a member of the Irish Green Party?

**Mr Irwin:** I agree with the Member for Newry and Armagh.

The Green Party feels that bringing Northern Ireland into line with the rest of the UK would be a beneficial move. Of course, I do not believe that, and I think that Mr Wilson is absolutely wrong. This is an occasion on which I very much welcome our ability to legislate for the Province. We can introduce or update legislation that benefits the Province specifically. No longer do we simply have to put up with laws introduced in Westminster that do not reflect our interests or unique circumstances.

**Mr T Clarke:** Mr Wilson referred to Pippa the dog. No right-thinking person would accept that such a thing should happen to a domesticated animal.

As the Member, who is a member of the Committee for Agriculture and Rural Development, rightly said, we legislate for the welfare of animals here. Part of that legislation prevents a dog from being set on, or urged to attack, another domesticated animal. The purpose of hunting in Northern Ireland has been to hunt vermin.

### 3.15 pm

**Mr Irwin:** I agree with the Member.

This is one of those examples where laws that affect mainland UK are not deemed necessary in Northern Ireland, nor are they wanted by rural people. If the Green Party were true to its conservation credentials, Mr Wilson would never have sponsored the Bill. The fact of animals hunting other animals has been a natural and necessary part of nature since the dawn of time.

Let us be clear: the Bill is a waste of Assembly time and resources, and the hundreds of people who contacted me to highlight their concerns about this attack on their livelihoods and their rural way of life are equally angered and concerned, and rightly so.

As a farmer, I know the true value of the rural economy and the financial pressures that people are under. The Green Party believes that it is right to introduce legislation to further diminish the rural economy at a time of immense hardship for rural people. However, the lack of support for such flawed policies is testament to its electoral strength and representation in the

Assembly. The Green Party is out of touch with rural Northern Ireland. As a rural dweller who represents a rural constituency, and as a farmer, I am totally opposed to the Bill, as it would be an infringement on the rights of country dwellers and would do a disservice to conservation in the countryside.

Mr Wilson commented on the tearing apart of foxes and hares. In my area, many clubs hunt with beagles. Good huntsmen do not kill the fox or hare, but Mr Wilson's Bill puts all huntsmen into the one sphere by banning hunting. Certainly, many of the huntsmen whom I know are rural dwellers and farmers who have hunted not for decades but for generations, and they should have the right to continue to do so.

I reject the Bill and hope that it ends up in the paper recycling centre. That, of course, would be in line with Green Party policy.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. I will speak against the Bill. The sponsor of the Bill is obviously very passionate about it. However, he started by saying that he wants the legislation to be kept in line with that in England. The reports from England are that the legislation that was introduced and the way in which it has been enacted has been an absolute travesty. I cannot understand why we would lift such legislation and bring it to the Chamber. I know that we have used examples of best practice in the past. If Mr Wilson had done his homework and tried to amend the Bill, he may have received some support. However, on behalf of Sinn Féin, I will not support it.

Mr Wilson talked about the Bill not being against rural people, and he talked about knowing some farmers who did not want hunts crossing their land. Like Mr Irwin, I represent a vast, rural community. Hunting is a way of life to rural people, as Mr Wilson would see if he spent some time in my constituency. He gave the example of Boxing Day and the cruelty of an animal being torn apart. No one in the Chamber would agree that that should happen, and there are few such examples. Mr Bradley asked about evidence. To be honest, I do not think that Mr Wilson made an evidence-based case to gain support for the Bill.

**Mr T Clarke:** Like the Member, I am a rural dweller. Mr Wilson cited evidence that some farmers are against hunting. It may be the case that those farmers are not against the hunt but that they do not want the horses on their land.

The Bill bans hunting, but the farmers whom Mr Wilson refers to are not necessarily against hunting. They are against horses going over their land because they can cause destruction.

**Mr Boylan:** I totally agree. That same point was made in an earlier intervention. Brian Wilson said that the fox did not know about boundaries, but he did not pick up on the point that was being made.

Hunting is part of the rural way of life. It is an inclusive pastime that crosses all boundaries, whether those are of religion, age or social class. Those who organise and participate in hunting are, for the most part, champions of the prevention of animal cruelty. I want to talk about what goes on in my constituency. I know a lot of responsible beagle men who go out on the hunt. They do not go out to rip a hare apart or anything else. *[Interruption.]* Mr Wells is here today, and I am sure that he will get his opportunity to speak. Those of us who genuinely know the countryside and know the people who are involved in country sports have a better understanding of the issue.

I was speaking in Armagh recently, where I happened to read a copy of your document. I am sorry; I will speak through the Chair. All it showed was an image of a fox being ripped apart. If such an image is presented to people who, perhaps, are sitting at home watching television, it paints one side of the story. However, people need to understand the whole situation. The Bill could be changed in certain ways. Its intent is to prevent hunting with dogs, which would include hunting with beagles, foxhounds, foot harriers, terriers and other types of dog. I cannot support that. If you recognised what goes on in the countryside, you would know that.

You argued that the Countryside Alliance said this and said that. The members of the Countryside Alliance are the keepers of it. They know what is going on, and they have the figures. The Countryside Alliance is comprised of properly constituted clubs that pay their moneys and try to do a responsible job. The way in which you portrayed the Countryside Alliance is just one side of the argument, but those people are entitled to their opinion.

You talked about the Burns report. What happened in England is just not working. The 2004 legislation is not working. We have to look at that. You tried to argue against the economic

benefits of hunting. There is a list of information available on the economic benefits of hunting to the rural economy, but you have tried to deny and disregard that. Hunting is worth over £110 million to the rural economy. I have the figures about the amount of people and official bodies that are involved in hunting.

Let us get to the crux of the debate.

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

**Mr Deputy Speaker:** Before I allow Mr Wells to intervene, I must remind Members to make their remarks through the Chair. I also remind Members that the only "you" in this Chamber is the Chair.

**Mr Wells:** I am a bit confused. One Member said that hunting was worth £40 million a year to the rural economy of Northern Ireland, but the Member for Newry and Armagh is suggesting that it is worth £110 million. Is that the figure for Northern Ireland or Ireland, or is it for the United Kingdom or the British Isles? That strikes me as a huge amount that hunting would be providing. If the Member is going to make those arguments, it is important to get some idea of the facts.

**Mr Boylan:** I will make my remarks through the Chair. I meant the island of Ireland. Mr Wells should have known that before he got up to ask.

**Mr Wells:** Are you talking about here?

**Mr Boylan:** I am talking about the island of Ireland. You have disregarded the economic argument. I am sorry; I will make my remarks through the Chair. He has disregarded that. Let us get back to the real issue, which is why you want to bring the Bill forward. It is the issue of cruelty. You have argued the whole case. The pictures that are shown all the time are selective.

If Members google that, they will see a hare or a fox being hung up. That is it. There are no facts or information about what happens. However, if we ask the huntsmen or the Countryside Alliance and other groups — there are loads of them out there — they clearly have the figures. There is no doubt that Mr Wilson could have brought those figures. If he had done his homework and proper consultation, he would have been able to bring some of those arguments to the Chamber.

Extensive veterinary research has shown that hunting is probably the most humane way to



control and manage wildlife. Ex-directors of the League Against Cruel Sports have come to the conclusion — it is an individual point, but I want to make it — that hunting does not cause unnecessary suffering and that banning hunting would be detrimental to animal welfare. I have another report that says that NIEA funded a full-time post to cull foxes in Glenwherry in north Antrim from 2002 to 2008 in an effort to reduce fox predation on endangered ground-nesting birds. That is fine. Dominic Bradley has answered, and maybe that is the way they tried to address that. Is the Member saying that, if a fox walks down a field with a chick in its mouth, that would not be cruel at all?

For all the socio-economic benefits that I have highlighted, it must be recognised that the Bill will also target individuals who take to the field each weekend with one or two dogs. They do not bring a horse or do so as part of an organisation; it is just a man partaking in a walk across the field. If the Bill is passed, that individual will be unable to do that. What I have described happens each and every day and in every county on this island. How is that meant to be policed or enforced? Obviously, I should have read the full Bill, but I do not know how we would go about trying to enforce that. It would be impossible, and it is farcical to suggest that we go down that route.

I appreciate that the Member is passionate about the issue, but he has not brought enough to the table to convince the Assembly to support the Bill. I will not support the Bill.

**Mr McCallister:** Like others, the one bit that I will support Mr Wilson on is his right to bring the Bill to the Chamber. I accept that we have other more pressing and important issues in progress, but it is a fundamental right of Members to be able to initiate legislation. There, I am afraid, ends the harmony.

**Mr I McCrea:** Although there is no doubt that Members have the right to bring forward Bills, the explanatory notes state that, following consultation, the main options considered were either to proceed with the Bill or not to legislate to ban hunting. Does the Member agree that, although Members have that right, the Member in question probably took the wrong decision in this case?

**Mr McCallister:** I will let Mr Wilson answer the question about his decision in his summing-up speech. It is important to have the debate, and

there will be a diverse range of opinions. Mr McCrea's colleague Mr Wells has not spoken yet, so he should not be too sure; there will be differences of opinion in all political parties.

I, for one, am a rural dweller and a landowner, and I am not a member of a hunt — *[Interruption.]* I stress that I am a very small landowner of some 1,500 acres of land. *[Laughter.]*

**A Member:** *[Interruption.]*

**Mr McCallister:** That certainly is not an accurate figure. I am supportive of and passionate about our rural way of life, and I urge Members of the Assembly to fight for and protect that. Like others, I am concerned that the Bill will be the thin end of the wedge for our rural way of life.

This Bill would be an attack on shooting and fishing. We need to send a clear signal from the Assembly that we do not want to go down the road of attacking our rural way of life. In Mr Wilson's opening remarks, he said that some will see the Bill as an attack on the rural way of life, and that is exactly how I see it.

### 3.30 pm

An argument for the Bill is to establish parity with the rest of the United Kingdom. In the area of welfare reform, for example, I am a great believer in parity with the rest of the UK. The rest of the UK may come back into line with this part of the kingdom in that the Act may be repealed —

**Mr T Clarke:** Do you have inside knowledge?

**Mr McCallister:** At last, some people are recognising the benefits of having a link to a national party that forms the Government of our country. They might not see it in other parts, but at least they see it now.

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

**Mr Deputy Speaker:** Order, please. I am afraid that some people have gone off the scent completely.

**Mr McCallister:** In an effort to get back on the scent, I will give way to Mr Wells, and I am sure that he will help.

**Mr Wells:** Will the honourable Member reassure us that his party's Westminster team is dealing with this issue as we speak?

**Mr McCallister:** I assure Mr Wells that our Lords are dealing with it very effectively. I find it strange that his party's Westminster team may not support him as loyally. At least he got rid of one Member to Westminster who opposed him in his efforts to ban shooting.

I hope that the coalition Government at Westminster look at the issue nationally, take the view that the Bill is unworkable and repeal the Act in England, because it is proven beyond doubt that it is unenforceable. It is not a priority for the police, and successful prosecutions, never mind convictions, have been limited and difficult to achieve. With all the evidence and experience from across the water, why would we do the same in Northern Ireland? Why would we tie up police resources in dealing with the Bill when we have many other issues to deal with? Why would we have the police dealing with and chasing after what everyone accepts is a law-abiding fraternity?

**Mr Spratt:** Would the Bill not be unenforceable for the Police Service? Would attempts to enforce such legislation, which has not been fully thought out, cause major problems?

**Mr McCallister:** That is exactly the point. The evidence from our colleagues in other parts of the UK is exactly that. The legislation is unenforceable and ties up police resources unnecessarily, and it has not produced the outcomes that the then Labour Government wanted. As Mr Irwin mentioned, former Prime Minister Tony Blair said that it was one of the issues that he regretted most from his time in the premiership. I worry that Mr Wilson's Bill would do exactly that here, and one of the most compelling arguments against it is that we would end up with unworkable and unusable legislation that we cannot enforce. It would tie up valuable police resources in chasing after and trying to secure prosecutions from a law-abiding group of citizens. We are asking what the Bill will achieve.

**Mr McGlone:** The Bill deals with regulations concerning the hunting of rats, and, following on from Mr Spratt's point, I can imagine someone making a phone call to a police station trying to articulate the problem of a rat being hunted and the reaction that that would get.

**Mr McCallister:** I can imagine that people might think that that is a bit much for the police to deal with. Where would we stop with that? I gather that the police might advise people to lock up

their cats and dogs and not to let them catch rats. The fact that we are getting to that stage shows how unworkable and ridiculous this is.

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

**Mr McCallister:** I do not know about giving way to somebody from a more urban constituency. *[Laughter.]*

**Mr Callaghan:** There is no need to go into shock, Mr Deputy Speaker.

Perhaps I am confused. Is it not the case that the hunting of rats would still largely be permitted under the Bill that is before the House?

**Mr McCallister:** I certainly hope so, but no doubt some people might want to see that included. Perhaps Mr Wells will put forward an amendment to prevent the hunting of rats.

**Mr Wells:** I have listened to some Members, one of whom has disappeared, make the point that the Bill requires amendment. It would be useful if Members declared quite clearly whether they intend to let the Bill get to Committee Stage, at which point those amendments could be proposed, or whether they are going to vote against Second Stage. It is no good saying that amendments are required and then saying that the Bill is not going to get any further. I would be interested to know what the Member's party's view is on that.

**Mr McCallister:** I am happy to answer that. Our party will be having a free vote, and I will be voting against the Second Stage of the Bill. I am sure that Mr Wells knew how I would be voting.

Looking at all the issues, I can see that the Bill cannot be enforced. The point has been made that the Bill must be passed for the sake of welfare. However, I can see evidence against that. I will read from Lord Burns's contribution in the House of Lords in October 2004:

*"The committee did not have sufficient evidence to reach a clear conclusion on whether hunting involves significantly worse welfare effects than other legal methods of control."*

That goes back to the question that Mr Wilson could not answer when it was put to him several times by Dominic Bradley. He could not answer the question because he did not have the knowledge of how the provisions would be controlled, whether he would support those methods of control or how that would work. He could not tell us whether that would give us

the results that we needed or whether it would have a beneficial or negative effect on animal welfare. We heard no evidence from Mr Wilson as to whether the Bill would contribute to animal welfare. The Burns report found that there is no evidence to suggest a benefit to animal welfare by banning hunting. Those are the two main points: there is no evidence to show benefit or improvement to animal welfare and there is no evidence to show that the Bill could be enforced. In fact, all the evidence points to the Bill not being enforceable.

In pressing for the Bill, Mr Wilson said that there are farmers who are against hunting. I have no doubt that there are farmers who are against hunting. I have no doubt that there are farmers who do not want horses and hunts on their land, as is their right. I defend the right of farmers across Northern Ireland to say that they do not want hunting on their land and to inform the local hunt of that. Over the past 15 to 20 years, hunts have made a tremendous effort to work with farmers and landowners across Northern Ireland. Hunts recognise that it is in their interests to be allowed on to land, so they look at issues such as not hunting in very wet or unsuitable weather, over new crops or over reseeded fields. That is how the hunting fraternity has kept the farming fraternity on board and supportive.

Colleagues mentioned attacks by foxes on lambs and poultry. It is vital that we limit that and have some control.

There are differences in our way of life in Northern Ireland, in our farm structure and in our field sizes, which mean that animals being hunted are slightly less likely to be caught.

My contribution is about protecting a way of life. It is about protecting a sport in which people have the right to participate and which they should have the freedom to enjoy in a free society. They should have the right to continue with that sport unimpeded by the police and free from the fear of prosecution under an unfair Bill that would ban hunting and criminalise those who want to exercise the right to pursue their sport. Those arguments overwhelmingly weigh against the Bill, and, therefore, I will be voting against it.

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. I oppose the Bill. The purpose of Second Stage is to focus on the Bill's general principles, so let us consider those

principles. Mr Brian Wilson outlined them for us when he said that, through the Bill, he seeks to reduce cruelty to animals and to improve animal welfare. Those are noble aims. I do not think that anyone in the House would object to them. I certainly do not. However, they are not well served by the Bill, and neither did Mr Wilson serve his Bill well today. He refused to answer Members' questions, and he referred to evidence on which he was not knowledgeable. I found that unconvincing.

Having read the Bill in detail, I found it ill-thought out and ineffectual. As Mr McCallister pointed out, passing the Bill would make the House a laughing stock. It would create a law that would be impossible to enforce and which would waste valuable policing resources, which we all know need to be used more effectively than in addressing what is outlined in this Bill. "Ineffectual" is an accurate description of the Bill. It is not competent, decisive or authoritative enough to achieve its aims. It will not produce a satisfactory outcome, no matter which side of the argument one takes.

Hunting dates from time immemorial. Originally, it was to provide food, although it was also used to hunt those animals that posed a threat to the food supply. Therefore, as well as a means of supplying food, it was a means of controlling pests that endangered the food supply. Even though we have other means of controlling pests, hunting still has that function.

When introducing the Bill's Second Stage, Mr Wilson was asked for his alternatives to hunting as a means of controlling pests. He was unable to answer, even though he is the Bill's sponsor, which clearly tells us that the alternative is shooting. There are alternatives, including poisoning and snaring, which, though illegal, are still used. If hunting is banned, there is a danger that there will be a greater reliance on snaring and poisoning, which we should avoid at all costs.

### 3.45 pm

Before we seek to ban hunting, which, to all intents and purposes, is what the Bill seeks to do, we should have good reason for doing so. I do not believe that Mr Wilson has offered any good reasons today. Other Members have pointed out that a ban on hunting will affect the lives of many people who enjoy hunting in its various forms. Those people come from a wide variety of backgrounds across all our communities. Understandably, they will see a

ban on hunting as a draconian measure that will prevent them from participating in what they consider to be a legitimate pursuit and pastime that does no unnecessary harm to man or beast, and one that they have engaged in down through the generations. They will see it as an unnecessary intrusion on their freedom, over which they have had little or no say.

Let us return to the core of the debate: the principles of the Bill. As I said, the Bill, as outlined by Mr Wilson, relates to the welfare of wild animals. It seeks to protect the welfare of wild animals by making the hunting of a wild mammal with a dog an offence unless, according to the schedule, that particular hunting is exempt. Some of the exemptions are clearly cases in which pest control is necessary to prevent wild mammals causing damage to livestock, game, wild birds, food, crops, growing timber, fisheries, property, biodiversity or meat sources for human or animal consumption. Hunting is also permitted for field trials for shooting dogs. Wild mammals may be stalked or flushed out for that purpose. However, what happens when they are stalked or flushed out? They are to be shot. The Bill's principles obviously reflect the need for wild animals to be killed to protect what are mostly human food sources. One reason why people engage in hunting in the first place is to perform exactly the same function.

The principles of the Bill seem to be that cruelty can be reduced by relying on shooting. Mr Wilson obviously believes that shooting is a less cruel means of pest control than hunting. I asked him for the empirical evidence for that principle, but he did not have any. There is much controversy around this issue, and no conclusive evidence has been produced on one side or the other. We should not make laws in the House that are based only on supposition or the emotive arguments that Mr Wilson relied on at the beginning. Before we issue bans, we should have hard empirical evidence that points the way forward. That empirical evidence is quite simply not available in this case.

Mr Wilson referred to Lord Burns's report on the hunting inquiry. However, Lord Burns does not provide evidence for one of the main principles; namely, that shooting is a more humane form of pest control than hunting. In fact, the report states:

*"In the event of a ban on hunting, there is a risk that a greater number of deer than at present would be shot by less skilful shooters, in which case wounding rates would increase."*

Therefore, shooting would increase cruelty to animals, not reduce it. Later, the report states:

*"None of the legal methods of fox control is without difficulty from an animal welfare perspective. Both snaring and shooting can have serious adverse welfare implications."*

The report also states:

*"In the event of a ban on hunting and coursing hares, it seems likely that a few more would be shot than at present. There are concerns about the welfare implications of shooting hares because of wounding rates."*

Therefore, a reliance on shooting will not reduce cruelty to animals, as Mr Wilson seems to believe.

Talking about his report in general, Lord Burns said that there is not enough verifiable evidence or data to reach views about cruelty. He also said that he did not conclude that hunting is cruel. Therefore, the Bill is seriously flawed from an animal welfare point of view. Mr Wilson would contend that, as a means of pest control, hunting is not in the interests of animal welfare and is cruel. If we accept that, and if we accept the evidence in the Burns report, shooting is also cruel, yet the Bill would allow that and would exempt it from prosecution. Mr Wilson is trying to ban one form of pest control and replace it with another, which, from the evidence in the Burns report, is no better for animal welfare.

Why is he doing this? He is doing it because the Bill is ill thought out and is based on flawed Westminster legislation. As I said, this piece of legislation is a direct rule Bill that is being delivered indirectly to us by the Irish Green Party. We should not repeat the mistakes that have been made elsewhere because of a failure to look at the issue for ourselves and come to our own considered conclusions about it. That is why we have devolution.

**Mr Wells:** The Member will be delighted to hear that the Green Party here has recognised partition and is about to become the Northern Ireland Green Party and become one of the four UK parties. We all welcome that decision.

**Mr D Bradley:** I thank the Member for his intervention. I can understand why the Green Party is retreating from the South.



This Bill is ridiculous and unenforceable. If we allow it to pass this stage and then to be enacted, we run the risk of presenting the criminal justice system with a useless piece of legislation that cannot be enforced.

Police in England have said that the Hunting Act 2004 is extremely difficult to police and is highly resource intensive. I do not think that the public here would thank us for tying up police resources in an attempt to police this farcical piece of legislation. There are so many anomalies and contradictions in the Bill that anyone who wanted to could drive a horse and hounds through it and not be prosecuted.

According to the Bill, a hare cannot be hunted. However, if someone shoots and injures a hare, they can hunt it, provided that they do so on their own land or on land that they have permission to use and provided that they shoot it dead when they catch it.

In order to train a bird of prey in how to hunt a wild animal, people may hunt those wild mammals, provided that they shoot them dead when they are finished with them. Does that sound like reducing cruelty? It does not sound like it to me.

People can flush wild mammals from their dens to protect game birds or wild birds that they are preserving or keeping to shoot. People can do that, provided that they shoot the mammals when they flush them out. Once again, that does not sound to me like the promotion of anti-cruelty measures. In fact, it sounds like the opposite.

I believe that the alternative pest control measures that the schedule to the Bill offers will simply not work. Two dogs are utterly useless for flushing to guns. As I said earlier, farmers will resort to other more drastic forms of control, such as snaring or poisoning. As we know, poisoning will cause a fox a long and agonising death and, in turn, will lead to the deaths of birds of prey and smaller birds that feed on the carrion.

I believe that the fox is a beautiful animal, and I love to see it in the countryside. However, I also understand the damage that it can do to the livelihoods of farmers. I know that it needs to be culled. The hunt is a much more humane way to dispatch an animal than shooting or poisoning. In a hunt, the fox dies or escapes. If it is shot, it can be wounded and die a long, lingering

and painful death. I ask Mr Wilson: is that the general principle that the Bill hopes to promote?

Mr Wilson has not thought the Bill through. I fear that it is little more than plagiarism of an existing Westminster Bill. It is aimed at promoting the Green Party, with little thought for its practical outworkings. That is not a good reason for bringing proposed legislation before the House.

Mr McCallister stood up for Mr Wilson's right to bring legislation to the House. I stand up for that right as well, but what I want to see coming before the House is legislation that is original, drafted by the Members of this House and their parties, and not cut, pasted and copied from an existing Bill at Westminster. That is exactly what Mr Wilson has done in this case.

We should reject this Bill on the basis that the principles behind it are not well served by the Bill itself. Instead of improving animal welfare, this Bill would damage animal welfare and increase cruelty to animals. I am sure that no Member would wish to add his or her name to that cause.

I have dealt with the principles behind the Bill, and I find that the Bill is an ill-fitting vehicle to promote those noble principles. Therefore, I will be rejecting the Bill and voting against it.

**Mr Bell:** It is important that the conclusion that we come to in the debate is based on genuine animal welfare and the prevention of cruelty to animals, and that we have good law, not bad law.

I will set out the case in detail that on the basis of genuine animal welfare, the prevention of further cruelty to animals and good law versus bad law, the House would be right and correct to reject this Bill. This Bill is bad for animal welfare, will increase cruelty to animals and is, in its essence, bad law.

I have known Mr Wilson for a long time. I have listened to many of his debates. We have been on councils together for over a decade. He is a former lecturer, and I have listened to him as he gave many detailed and reasoned arguments on many other subjects. Today, he did not. I suggest that that is because today he cannot.

I have no doubt that he is sincere. However, the child who reaches for the bottle of fatal tablets thinking that they are sweets is sincere, but sincerely wrong. Equally, I have no doubt that the consequences, were the House foolish

enough to allow the Bill to go any further, are unintended on Mr Wilson's part. The consequences of the Bill's passing today would be bad for animal welfare, increase the level of cruelty and suffering of animals, and lead to bad law that is unenforceable.

**Mr McDevitt:** I respect the opinions of all Members on this matter, and it is important that we have an informed debate. However, the consequence of the Bill's going through today is that it goes to Committee. That is the only consequence of the Bill's going to another stage. It is just that it would be further scrutinised, and would have to stand up to that scrutiny. Jumping to the end of the legislative process, as if we are having a single-stage legislative process today, is a bit unfair to all of us, and particularly unfair to the Bill, and to the House and its procedures and Standing Committees.

#### 4.00 pm

**Mr Bell:** Having gone through the Bill in detail and having read the import of it, and working on the basis of what is in the best interests of animals and preventing cruelty, I am in no doubt that what is in the best interests is to kill the Bill and to kill it today.

Let me make progress on the argument. The unintended consequence that Mr Wilson would bring about is the increased suffering of animals and animals experiencing a greater level of cruelty. Let me set out why that is the case.

As I was out walking with my girl last night just after midnight — I clarify that the girl is my golden retriever, Zara — I bumped into a gentleman, 80 years of age, and we got talking. He told me about how his daughter in Ballywalter had come back to her chickens to find 16 of them destroyed in the immediate past by a fox. Now, the fox did not kill the chickens for food. It came in, killed a chicken, left it, killed the next chicken, left it, killed the next chicken, left it, killed the next chicken — up to 16 times. You understand. The fox did not discriminate. The fox caught every chicken, not for food, and killed every one.

**Mr T Clarke:** We believe you.

**Mr Bell:** I think that I need to move on. Given that, the question that I posed, through the Deputy Speaker, to Mr Wilson was how he would deal with that fox. He does not know how

he would deal with that fox. I asked him what method he would use to cull that fox, and he does not know what method he would use to cull that fox.

**Mr I McCrea:** I thank the Member for giving way. Given that he posed that question to Mr Wilson, who had no idea how the fox that killed those 16 chickens might be dealt with, could the Member advise the House as to how he feels that that fox should be culled?

**Mr Bell:** I think, and I will lay out the evidence later on —

**Mr T Clarke:** Will the Member give way?

**Mr Bell:** Yes.

**Mr T Clarke:** Would the Member accept that the debate that he is going into is nearly as painful as the hunt itself and that we feel as though we are being hunted round this Chamber and killed?

**Mr Bell:** The evidence that I am going to present is from the Veterinary Association for Wildlife Management, because I want to work on the basis of veterinary expertise. That evidence states that the “most humane way” to deal with a fox — those are not my words, they are the words of the Veterinary Association for Wildlife Management — is to allow the natural hunt.

Let us look at what Mr Wilson has done. He has effectively lifted the English and Welsh legislation of 2004 and brought it across. Anybody looking at that legislation and looking to change it would be looking to increase the protection of the welfare of animals. Yet, having read the Bill, I see nothing in it for the welfare of animals. It is all about penalising human beings more, but it says nothing about the gross inadequacy of the English and Welsh legislation. That gross inadequacy was such that it led Lord Chilcot and others, when they reviewed the worst pieces of legislation over 20 years, to point to the Hunting Act 2004 in the same breath as they point to the poll tax and other pieces of flawed legislation. That is why we should not transport bad law across.

I was always interested in a story that my father told me. When he lived down in Blackwatertown, they were out hunting rabbits during the war years for food, and the dogs came across a fox and, instantaneously, killed it. Within seconds the fox was rendered insensible, and within a few seconds more the fox was dead. The three boys took it up to Blackwatertown barracks, and

the policeman there — I do not know whether it was Mr Spratt, it would be the same vintage — cut the tongue off the fox and gave it back to the boys, with the reward of six shillings, which they split, two shillings each. Now, why did the police —

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

**Mr Bell:** I certainly will.

**Mr Spratt:** Just to reassure the Member of my vintage: when I joined the police, shillings had disappeared. *[Laughter.]* Paying out over the counter had also disappeared. When I joined in 1972, there was accountability.

**Mr Bell:** Mr Spratt is like a good wine: he gets better with age.

The reason why the young people were rewarded by the police is that foxes are vermin. They attack livestock, lambs and poultry. Therefore, it is necessary to cull them. We all agree that there is a necessity to cull foxes. What we have to decide on is the most humane method by which to do so, which promotes animal welfare and is less cruel. On each of those counts, we can present evidence to show that the proposed alternative methods by which to cull the fox are more damaging to its welfare and crueller than what is currently practised.

Black, bad law should not be replicated.

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

**Mr Bell:** Let me make some progress, and I will give way.

Northern Ireland is already ahead of the game. *[Interruption.]* OK, Mr Wells wishes me to give way. *[Laughter.]*

**Mr McDevitt:** I thank Mr Bell and Mr Wells both, Mr Deputy Speaker. *[Laughter.]*

Mr Bell is trying to build an interesting line of argument. It seems that he is trying to outline some animal welfare argument. However, the Bill is not substantially an animal welfare Bill.

**Mr Wells:** It is not.

**Mr McDevitt:** No. Therefore, the Bill does not deal with the animal welfare argument, as interesting as it might be. I suppose that one could sum up the Bill by saying that it deals with the debate on killing animals for sport rather than out of necessity. The kernel of the

argument is whether the Assembly wishes to set a standard legally on whether killing animals for sport or as a pastime is appropriate, while also accepting that it may need to be done out of necessity. I will make a fuller contribution later. The Bill is not particularly about animal welfare. If it were, that would be fine; the Assembly could debate the merits of animal welfare all day. It might be helpful to frame the debate in that way. On my reading of the Bill, it seems to me to be substantially about that.

**Mr Bell:** Although I thank the Member for drawing it to the House's attention that there is nothing in the Bill that promotes animal welfare, he is fundamentally wrong because everything in it will damage and be detrimental to animal welfare. Essentially, that is the basis on which the Assembly must ensure that the Bill is killed.

Northern Ireland is ahead of the game. In fact, the Welfare of Animals Act (Northern Ireland) 1972 has been in place here, which makes it an offence to cause unnecessary suffering to animals. That is inherent in the 1972 Act. Therefore, we have the legislation. We do not need to replicate it.

Having reviewed the relevant English and Welsh legislation, which they wish to replicate here, James Barrington, an ex-director of the League Against Cruel Sports, who, I believe, is supported by three other former directors of that organisation, said that hunting does not cause unnecessary suffering. We need to be sure of that today. The alternative methods of culling that Mr Wilson proposes, which he was unable to set out today but which are in his Bill, will be crueller and will cause greater suffering than those that are already practised. I am about to set out how. They say that instead of improving animal welfare, the English and Welsh Hunting Act 2004 has actually made it worse. Their detailed analysis of the law reveals the illogical and unprincipled conditions that in no way can be argued to be animal-friendly. Even a former director of the League Against Cruel Sports clearly concluded that hunting does not cause unnecessary suffering.

The Member for North Down Brian Wilson gave a diatribe against the Countryside Alliance, which would have been interesting, had it been true. However, I will go to the evidence-base. Much as I respect the intellect of Mr Wilson, I respect the intellect of a vet and someone who is trained in animal medicine and animal welfare a lot more.

I will go to the evidence from the Veterinary Association for Wildlife Management, which is a group of 560 qualified vets. They work in England, Scotland, Wales and Northern Ireland. Many of them have worked in general practice, many have had years of clinical experience working with domestic and wild animals and many of them have distinguished academic, valid research to their names. They include five veterinary professors of medicine and six fellows of the Royal College of Pathologists. Their conclusion is that hunting is the natural and most humane method of control. That is the evidence from practice vets with years of experience. The conclusion of the Veterinary Association for Wildlife Management is that hunting is the natural and most humane method of controlling the population of all four quarry species in the countryside. Most of us know the valid interests that the veterinary medicine professionals have in promoting animal welfare.

Members can quote examples of suffering. I can quote examples of chickens and lambs suffering, and I can show pictures of lambs slowly bleeding to death after the foxes have got them. In the natural order of things, dogs will chase cats, cats will chase birds and birds will chase worms. Maybe in some little well world in North Down dogs will no longer chase cats, cats will no longer chase birds and birds will no longer chase worms; perhaps, in that world, Mervyn Storey takes it easy on Caitríona Ruane. In fact, it is more likely that dogs will kiss cats, cats will kiss birds and birds will kiss worms than it is for Mervyn to take it easy on Caitríona. The natural order is that the quarry species present a deadly threat and have to be culled.

#### 4.15 pm

The only thing that I did not hear in Mr Wilson's selective quoting of the Burns report was that Burns concluded that the hunt in no way provided for a form of unnecessary suffering. The Bill fails to address animal welfare. It is bad law, as we have seen from what Lord Chilcot and others have promoted. Mr Wilson did not know what was in the Bill and could not answer the questions that Dominic Bradley put to him. However, Mr Bradley, being a good teacher, pointed out to him what was in the Bill. Shooting a fox, which is what Mr Wilson's Bill states should happen, will cause unnecessary suffering. Evidence shows that a fox that is taken by a dog is rendered insensible within seconds and, seconds later, is dead. If the Bill

were to go through, the majority of foxes shot would not result in a clean kill. They will limp on for hours, possibly days, injured and in agony, and with no help. That is cruel.

**Mr McGlone:** I hear the argument that the Member is making, but as someone who is deeply interested in country sports and knows many people who are competent marks-persons out after foxes at night, I would not like to think that the nature and tone of the debate is taking us to the point where the competency of those marksmen is being questioned. If there is evidence to support that, I would like to hear it, but there are people who go through quite extensive training courses to improve their level of marksmanship. Perhaps the Member will deliberate on that.

**Mr Bell:** I will, and, for the evidence he needs, I refer him to the Burns report. There are expert marksmen that can make a kill, but there are others who have shot who cannot. Mr Wilson's Bill is proposing to ban the hunt and use the alternative of shooting, and I am making the point that using that alternative will cause greater suffering and cruelty, as evidenced in the Burns report and by veterinarians. I would be delighted if every marks-person was a marks-person and got a clean kill, but that is not the case.

Do we go for greater wounding and increased suffering? Do we go for the number of dogs to be reduced to two? What that will mean is that the fox will suffer for longer, its pain will be greater, and the impact on the individual fox will be crueller. Is that what we want?

Often when a fox has been caught it will seek to go underground. I will point out to Mr Wilson — because he did not mention it, and he may not be aware that it is in his Bill — that if the Bill were to prevent the dogs from going underground, how on earth would the injured fox have its welfare protected? In those circumstances, one would be looking for an instantaneous end to the fox's life, but if the dogs are prevented from going underground, except for wild birds, and the number of dogs is limited to two, that will ensure that the fox stays injured and suffers for longer, and is therefore more cruel. It is for the reason of the prevention of suffering that the Bill will fail.

In conclusion, there is a basic law of medicine, which is that you do no harm. Mr Wilson has brought his opinion. As my dear father-in-law would say, everybody is entitled to their opinion,



no matter how wrong they are. I have no doubt that the motivation behind that opinion had links to animal welfare and to preventing cruelty, but I ask him to consider the evidence of 560 vets. He shakes his head. With respect, does he, with his knowledge base of town planning, know more about animal welfare than 560 vets? Does he know more than five veterinary professors and six fellows of the Royal College of Pathologists? I think not, and I think that, by default, the consequences of his Bill will hurt more animals, cause them to suffer longer, and will be a crueller position than that already in existence. On the basis of the medical law that one should do no harm, it is in the best interests of the House to kill the Bill in the interests of preventing animal cruelty and promoting their welfare.

**Mr Kinahan:** I apologise to Mr Wilson for not being here at the beginning of the debate to listen to him. I am extremely pleased to speak today, and I do not think that many of you will be amazed to find that I have to declare an interest, in that I used to hunt. *[Interruption.]* I was expecting that. I hunted until the age of around 22 or 23, which was some 30 years ago, as I am now 52 years young.

In my maiden speech, I promised that I would always try to uphold rural values. Although this is not necessarily an urban versus rural battle today, it is an attack on rural values.

I will try to give Members five different reasons why hunting should be allowed. 'The Sunday Times' said that such a bad law as the one in England has no right to survive, and it would be better to get rid of it. There will be much more to follow. I will try to show why this is a bad Bill that will not work, without repeating too much of what has been said; why hunting is natural and no crueller than other methods; and why hunting brings enormous benefits to the countryside and those who hunt. I will also comment on why I feel that this is purely an election gambit. However, what concerns me most is that this is the thin edge of a wedge: if this Bill were allowed to proceed, it would lead to many other rural sports being stopped.

I apologise if this quote has already been used, but Alastair McWhirter, Chief Constable of Suffolk, said:

*"Parliament's vote for an outright ban on hunting with dogs fills many of my fellow officers with dread. Not because the police are pro-hunting —*

*the service is determinedly neutral — but because of the practical implications of enforcing such a ban."*

That was written before the ban was put in place. We know that the law does not work. We have also heard that the coalition is set to repeal it, but, before anyone raises that point, I have not heard that first hand. Tony Blair said that the banning of hunting was the wrong way to go and, to put it bluntly, the ban on hunting in the form of the Act that was put in place in England has been universally condemned.

**Mr Callaghan:** The point about pressure on police resources has been made on a number of occasions this afternoon, but my understanding is that, up to 2008, 44 prosecutions have been proceeded with in the extant territory of the Hunting Act 2004. In four years, there seems to have been fewer than a dozen prosecutions in the whole of the territory to which that Act applies. That hardly seems a huge drain on the Prosecution Service or the police.

**Mr Kinahan:** I wish I had the figures to hand, because the Member referred only to prosecutions, not the waste of time and enormous number of investigations and referrals to police —

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

**Mr Kinahan:** I will give way again.

**Mr McCallister:** Does my colleague agree that the previous intervention highlights why this is such an ineffectual Bill? It demonstrates why it does not work in England and why we should not have a similar measure here, because it will not work and it cannot be enforced. It would be a drain on resources, because it would be too time-consuming to achieve prosecutions. It would criminalise people who would not ever come into contact with the police: some of our most law-abiding citizens.

**Mr Callaghan:** Perhaps I take a more enlightened view of the hunting community in England than Mr McCallister, but does that not just as plausibly suggest that people are obeying the law in England? Is Mr McCallister suggesting that people are flouting the law, but that the police across the water are not pursuing such people?

**Mr Kinahan:** I think that we need evidence, as someone behind me has just said. It could just as easily show that there is little interest in

pursuing this law, and that not many people are chasing it through because they know that it does not work.

To return to my point, the fact is that the police believe that it is a waste of time. We are hearing from everyone else that the law does not work. We cannot clog up police time here in Northern Ireland. Others have already mentioned this; we already have problems with dissidents, and if you go from one end —

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

**Mr Kinahan:** Let me get a little further through my speech, please. At one end of the crime world here, we have the dissidents and, at the other end, we hear continually, every day, about youths gathering at street corners, although they are quite often there for innocent carryings on.

However, there is a need for more police on the ground, and all that I am saying is that we do not want to put the Bill in place because it will waste incredibly valuable police time.

The police will have to enforce the Bill. I will tell Members a story. Some Members may not know this, but I have a herd of deer. One day, police officers came to tell me that there was a stag out at Parkgate. I asked them what it looked like, and they said: "A stag". I showed them the deer and asked whether it looked like my deer. They said that they did not know. Therefore, a whole learning process is needed. There are wild deer and all sorts, but we cannot put more work onto the police.

I will now move on to hunting as a natural activity. The chase is natural.

**Mr McDevitt:** Will the Member please give way this time?

**Mr Kinahan:** I will give way this time.

**Mr McDevitt:** I genuinely appreciate it.

I want to address the argument that a ban is a bad law because there is no great evidence of prosecution. There is as much evidence to suggest that the hunting ban has worked perfectly well and that the tradition of hunting has been able to continue in drag form — pardon the pun in that remark, Mr Deputy Speaker — as that the ban has been flouted and hunting continues in traditional form. There is as much evidence to suggest that those who hold dear the tradition of hunting — ceremonial

traditions and countryside sporting activities — enjoy it as much in drag form. In fact, there are more hunts today in drag form than there were hunts in 2004. There is as much evidence of that as there is that everyone is out there every Saturday afternoon flouting the law. The Member has to concede that point. There is no categorical evidence that what we see is an absolute flouting of the law. There is none.

**Mr Kinahan:** There is no evidence that it is the other way around. I cannot give in to the Member's point. I can just accept that it might be true, but I will touch on drag-hunting later. That is the type of drag-hunting that I do. The Member's drag might be slightly different. *[Laughter.]*

My second point is that hunting is perfectly natural. As I said, the chase is natural. As we heard earlier, eating meat is probably the main reason for hunting, and we have to protect our food sources.

Hunting is cruel, and we have had plenty of examples of that. Half my thunder has been stolen already. I will let Members know that the fish is catching the fly, the cat is chasing the mouse or even the bird, and the bird is pulling at a worm. That is all part of the natural process. There are thousands of animals and birds and millions of insects. This is happening all day, every day, and we are simply picking on one little notch, which happens to be human beings on horseback pursuing one of four quarryies.

The Bill has misguided values behind it. I would accept the points from a vegan, but he has sadly left the Chamber. Vegans cannot eat or use animal products, so perhaps vegans have the right reasons to promote the Bill.

We all enjoy some form of thrill — do not explore this too far. *[Laughter.]* It is getting very dangerous. In many cases, the thrill is the chase, whether we see it on the sports ground or, for some of us —

**Mr Kennedy:** In the Assembly Chamber.

**Mr Kinahan:** Thank you. Thirdly, I want to illustrate the benefits of hunting because I do not think that anyone else will do so. Some 300,000 people in Ireland hunt. I am told that 35,500 people in Northern Ireland have horses, and I am sure that most of them hunt. There is an enormous rural sector in Northern Ireland, and all of it loves the countryside. I want Members to bear with me, even those who are

opposed to my views, as I take them through 24 hours of hunting to show them some of its benefits. I hope that Members are still awake at the end.

#### 4.30 pm

It is 30 years since I last hunted. The night before, you prepared your tack, horse and yourself for the day to come. As grown-ups, that is fine, but for young people and children, it was a way of learning how to look smart and how to get things ready for the following day. The next morning, you were up at 5.00 am or 6.00 am. I wonder how many here have shovelled manure or cleaned out stables. We may deal with a great deal of it in here, but — *[Laughter.]*

I am trying to illustrate that it is good to learn how to do that and that it was a way of learning how to look after animals. Once you got up, you checked your horse or pony from top to bottom, you cleaned it, rubbed it down and you bonded with it. Children and young people learned how to look after animals. That is one of the greatest lessons that can be learned from hunting.

When we went to the meet, which, for those who do not know, is where we gathered to go hunting, we did not just gallop from field to field. We were part of nature; we watched it, whether it was birds in the trees or bushes or mammals on the ground. Had I listened to my mother all the time, I might have learnt much more. However, we were there, seeing how the whole countryside pulled together.

We were also, however, learning how to take risks. I do not know how many Members know that riding and hunting has the highest level of injury of any sport. You had to decide, at full flight, whether to jump a big ditch, go through a hedge or jump a five-bar gate. We learned how to take risks and to be brave, which is something that masses of our young people today need to know and about which all of us could learn.

There was liaison between the hunts and farmers. The hunts learned what fields they could not go on or whether they could go through farmers' land. It was all done with permission and everything worked together. The difficulty, and what I will go into now, is the thrill. Mr McDevitt mentioned the drag-hunt. The whole point of a hunt was the thrill when the hounds found the fox and the fox took us in its choice of direction, which the hunt had

to follow. Sometimes we could not cross the land. Sometimes we could not cope with the obstacles. However, the pace, the speed — and the danger — while watching how hunting works meant that everyone learned. A drag-hunt follows a set route. Your horse trots, canters and, perhaps, gallops, but it is never in full flight.

**Mr T Clarke:** Stop at the end of your hunt.

**Mr Kinahan:** You want me to hurry up? Thank you.

Drag-hunting does not work. As some Members might have heard me say before, I ran as the quarry in Germany for a drag-hunt. It does not work, mainly because — before one of you gets it in — I am too slow. *[Laughter.]* Much more than a Linford Christie was needed. I am trying to get across that drag-hunting is an alternative, but it is not the same. All who hunt would rather stay with what we have.

It is rural people who protect the countryside, who look after its hedges, fields and animals, and it is they who want hunting to carry on. Yet —

**Mr Kennedy:** I am grateful to the Member for giving way. Does he agree that rural communities believe that hunting is an expression of their role as custodians of the countryside and that it is a long-established custom that rural communities, rightly, expect to have the freedom to continue?

**Mr Kinahan:** I am grateful for that intervention. I totally agree that those in the hunting world see themselves as custodians of the countryside. Since the introduction of the hunting ban in England, we are told that fewer foxes have been seen by hunts, yet we have heard that there are more hunts.

That is because the ground is not looked after properly. The same applies to the red deer on Exmoor. We have heard that there has been a reduction of 19%. Similarly, Queen's University tells us that there are more hares here where hunting takes place.

We could look at those arguments from all sides, but I will move on because the Bill is really just an election gambit. We know that the Bill will not work and that hunting is good for the countryside, but the Bill plays to a large number of voters. We may want to be democratic, but there are times when we have to allow other people to have their normal ways of life, particularly in the countryside. I remember during a previous debate here that we were shown tired old

photographs of a hare that had been ripped apart. The end result of the kill is an appalling sight, but it is the same throughout nature.

Before the debate, I asked how many foxes were killed by hunting in a year. The answer was 36. I also asked how many foxes were killed in other ways, although I know that that is a hard figure to come up with. On four sites where studies were done in the same year in which 36 foxes were killed by hunting, 451 were killed by shooting or other means. If that logic is followed through, it means that thousands have been killed by other means, and, as we have heard from other Members, probably in a much nastier way.

**Mr McDevitt:** I thank the Member for giving way. Does he concede that the argument that he has presented in opposition to the Bill is the absolute opposite of what Mr Irwin presented in his speech? The Member is presenting an argument in favour of a sport, which is fair enough, and arguing that the thrill of the kill is necessary for the sport to be a sport in its fullest possible sense. On the other hand, Mr Irwin legitimately argued from an entirely different perspective that it was all about pest control in the countryside. However, the figures do not at all stand that up. It is about the most ineffective, unproductive and inefficient method of pest control.

**Mr Kinahan:** I think —

**Mrs Foster:** Will the Member give way?

**Mr Kinahan:** Yes.

**Mrs Foster:** Is the Member opposite really saying that there cannot be more than one argument against a Bill? That is ludicrous.

**Mr Kinahan:** I love the idea that one Member asks a question and another answers it for me. *[Laughter.]*

Are we really trying to ban fox-hunting when, in a year, only 30 or so are killed in that way and yet, as I said —

**Mr Wells:** Where was that?

**Mr Kinahan:** Northern Ireland. There are some 35,000 people here with horses. The debate has concentrated on foxes, but the Bill also aims to ban many other forms of hunting.

**Mr Savage:** Does the Member agree that more foxes are killed on the roads by motorists than are killed by hunts?

**Mr Kinahan:** I completely agree. Many more foxes are killed on the roads.

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

**Mr Kinahan:** I intended to keep going. OK.

**Mr McDevitt:** I appreciate Mrs Foster's intervention. She did not have the benefit of being in the Chamber earlier. I am sure that you were following it on the TV — *[Interruption.]*

**Mr Deputy Speaker:** Order, please. The Member will resume his seat. Unfortunately, I have to again remind Members, even those who arrived late, that all remarks must be made through the Chair.

**Mr McDevitt:** Of course, I acknowledge that Members can follow the debate in other ways in other places.

We have to try to figure out what is bad about the Bill. Everything could be bad about it: Members could just take the view that it is bad — full stop. Perhaps they just do not like it and feel that they do not need to give a reason for not liking it. However, if Members wish to articulate a coherent argument against the Bill, it would help those of us who are trying to have an informed debate on the issue to understand exactly what it is. Is it an argument that fox-hunting — to single out one form of hunting that would be covered by the Bill — is an essential form of pest control and is, therefore, an integral part of the agricultural industry and countryside management and all that sort of stuff, and so needs to be defended in its current form, or —

**Mr T Clarke:** On a point of order, Mr Deputy Speaker. Surely an intervention should be an intervention and not a speech.

**Mr Deputy Speaker:** It is my custom to encourage interventions to be brief and to the point.

**Mr McDevitt:** I shall conclude.

Or is it a country sport that has no role in countryside management? In essence, that was my question.

**Mr Kinahan:** With so many interventions, it is hard to remember where I was. I am nearly finished.

We are being asked for evidence, but I do not think that we will ever find that evidence. We are trying to get across the fact that the Bill is determined to stop a way of life. On the question of whether we can find evidence, the mere fact that we cannot find enough evidence



to support the Bill is the same argument as saying that we cannot find enough evidence to oppose it.

We know that it is legal to hunt a rabbit but not a hare and a rat but not a mouse. The Bill would make it legal to use two dogs, but not three, to flush out mammals, yet it is to protect birds that are then going to be shot. There are lots of illogicalities in the Bill. It is confusing and pointless.

The argument that there is no place for fox-hunting in modern society has been put forward. I am not sure how to look at that. More and more people are riding and, as we heard, more and more people are hunting. We are told that 300,000 people hunt in Ireland. Hunting, therefore, is very much part of modern society. I have already touched on drag-hunting, so I will not go into it any further.

This is an illogical election gambit, and it is an action that has been taken in ignorance. Most of the arguments are being put forward because certain Members do not know the truth about what goes on in the countryside. I am scared that this is the thin end of the wedge. If we take the Bill forward, what will be next? Will we then try to stop shooting and fishing? How much further will things be taken? Today, it is purely an anti-hunting Bill. It is an attack on rural interests. If we let it go on, the rural life here that we all adore will fade away. One day, the countryside could become like what one sees in futuristic films: no trees; no wildlife; dull, grey brick and stone, and no one doing anything other than what goes on in the drab industrial world that goes with that vision.

Tolerance is a true measure of society, but the Bill shows a lack of tolerance for one section of the community. Hunting is natural, and the Bill is a blatant use of political prejudice. I oppose the Bill.

**Mr Molloy:** Go raibh maith agat, a LeasCheann Comhairle. I oppose Mr Wilson's Bill. In his opening remarks, he said that fox-hunting is a blood sport, and he referred to cockfighting, badger-baiting and hare-coursing. None of those activities is covered in his Bill, which, in line with evidence from other Members, has been lifted from the English model. I do not believe that even Mr Wilson knows the content of the Bill. He has simply transferred the English Act and put it forward here. The exclusions in the Bill mean that, as somebody said, it permits the hunting of rats and rabbits with dogs and

the retrieval of hares. So there are a number of areas of confusion in what he said. The Bill is not about animal welfare or cruelty. As the previous Member to speak said, it is simply a device to allow the Green Party to go into the next election saying that it put forward a Bill to ban hunting but lost the vote. It will lose the vote because the Assembly has more sense and will throw out the Bill. That is where we are.

#### 4.45 pm

In one sense, it is hard to become overly annoyed about the Bill. However, it is a serious issue. If a ban on hunting were to be put in place, the whole rural way of life as we know it would be destroyed. Hunting and country sports have been part and parcel of the country way of life that people have enjoyed over the years and are the reasons why those people live in country areas rather than urban areas. Urban people sometimes do not understand that, because they have not witnessed it. They like to see rural hunt scenes in paintings that they buy to put on their walls, but that is as far as it goes. They ignore the fact that what is portrayed is an actual scene that represents the rural way of life.

We have been told, in this debate and in others, about the number of animals that are killed. I do not take part in hunts, but I have watched them on several occasions and have very seldom seen the hounds catching anything. It is a way of life. It is a walk in the countryside as much as anything. We are supposed to be encouraging people to go out walking and to enjoy the countryside, and a hunt is as good a way as any to do that.

Suggestions were made about drag-hunting. The thing about drag-hunting is that you know where it is going to finish up, which is probably in the pub. There is no real craic in that at all, because the result is a foregone conclusion. We need to take account of the facts that a number of Members covered. Foxes or hares will go wherever they want to go and will protect themselves as much as possible. They know where the safety nets are, which are part and parcel of the hunt. The beagle clubs that keep hounds are a part of the community. That community infrastructure is cross-community and inclusive. It involves the young and the old, and men and women. There are no divisions, no matter what part of the country you are in.

As was said earlier, 300,000 people enjoy hunting. That is only the tip of the iceberg.

We should draw attention to the numbers of people involved in rural sports and in the rural environment. It is a tourist attraction that will bring people to this country. The rural areas are the only places in which hunting exists, and we should take advantage of that. We should not sign up with failed legislation from England or Scotland. We should set ourselves apart and say that we have something here that we value and that we will encourage and maintain.

A ban will not be successful. It will simply alienate a large number of people and drive them out. The hunting fraternity here has been a very important part of the rural economy. It has brought people together. There are people who hunt on horses and who belong to equine associations. They are a major part of the economy: they not only own horses, but keep them, stock them and feed them, and they are involved in riding schools. There is a whole industry there. People should not lose sight of the fact that the hunt brings several aspects of rural life together.

Jim Wells's letter, I mean Jim Shannon's letter

**Mr Wells:** — *[Interruption.]*

**Mr Molloy:** I am sorry, Mr Wells, my apologies.

The letter refers to a figure of £40 million and 2,000 jobs. That could be an underestimation. It is certainly an underestimation of what could be achieved if we set out to drive the industry forward and to encourage people. It is proper that we should regulate the industry. No one is saying that we should not do that.

Some of our city dwellers were asking whether hunting was a question of vermin control.

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

**Mr Molloy:** I will not give way. Too many Members have given way all day.

The city dwellers have asked whether hunting is about vermin control or sport. It is a combination of different aspects that come together. Some of it is about vermin control, about the menace of foxes in rural communities and the damage that they do. Deer are also a menace in certain rural communities and they have to be controlled. If they are not controlled by hunting, they have to be controlled in a different way. We need to deal with those issues.

Hunting is a sport, but it is not a blood sport. It is about management and control, and it is about bringing people together in various ways. It is about land management, which is also part of driving the rural economy.

The best thing that has been said today is that this is the thin end of the wedge. That is a very slight assessment of the whole issue. The current issue is hunting, but the next issue might be about what can be hunted. Will fishing, shooting or other sports that people are involved in be the next target? If the Green Party does not like those activities, we will have another Bill in the future. The only hope is that, like in the South of Ireland, the Green Party will have diminishing ideas. Maybe the same thing will happen here to allow the rural community to continue and to develop in the future.

The best solution is for the Assembly to vote down the Bill today, take it out at this stage and ensure that we do not inflict it on a Committee that already has an overpowering workload for the next number of months. The Bill would clog that up, and important business would be set aside while this issue, which will destroy the rural community, is discussed. I hope that the Assembly will see good sense and vote the Bill down.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. As Members will have noticed, there is a different emphasis in our party on various aspects of the Bill. We come to the debate with a free vote and a free mind. I come to this very much as a person from the rural community who represents a rural area and is an active participant in country sports. Some Members who are less knowledgeable about rural ways and country sports will probably speak today. However, I defend utterly their right to put across their view, albeit from a different perspective. In that regard, I defend utterly Mr Wilson's right to put forward those views today.

However, at this juncture, I will divert. It is important to place the debate in context. What we have before us today is widely perceived by the rural community and by active participants in rural sports as similar to what passed before, when an attempt, albeit an ill-informed one, was made in the Assembly to introduce legislation to prohibit shooting over areas of special scientific interest. That set off huge alarm bells in the rural community and among a variety of clubs

that saw it as an attempt to prohibit their way of life, their heritage and their sports. It was governance by Big Brother. Therefore, I have to say to Mr Wilson that the Hunting Bill is, in many people's eyes, part of a process or a conspiracy by some people outwith the Assembly to impose their views in toto on the rural community and on people for whom rural sports are part of their heritage.

**Mr Beggs:** The Member said that people are imposing a view on the rural community. Is he aware of the comment on the Department for Environment, Food and Rural Affairs website about the legislation? It says:

*"The government considers the Act has not been a demonstrable success. It is flawed, illiberal and unenforceable. Furthermore, evidence produced since the Act came into effect suggests it has failed as an animal welfare measure and may be having a negative, impact in welfare terms, on the management of wild mammals."*

Does he accept that the legislation has clearly been demonstrated as flawed in England?

**Mr McGlone:** I was not aware of that, but I thank the Member for his very valuable and informed contribution. Numerous points along those lines have been made already. That shows that the British Government are coming to the conclusions that are informing this evening's debate.

Many people from the area that I represent along the lough shore pursue those sports. Indeed, there are seven clubs in my immediate locality, and many of their representatives have been in touch with me to say how concerned they are about the Bill.

I am only an ordinary plebeian, unlike some Members, who are highly qualified with degrees in law and are practising solicitors. However, in my view, the Bill raises numerous issues. It raises major legal issues about permission to be on land and the practice of using more than two dogs. Anyone who has ever been out across the fields after pheasants will know that it raises hugely impracticable issues. To be fair, the Bill is totally unreasonable and impracticable, and it has no semblance of real life or the real world as people in the rural communities know them.

I have to draw attention to what the Bill says about the use of a gun once a wild animal has been flushed out. The Bill provides that flushing

out an animal is exempt hunting if it is shot dead by a "competent person". Who is the arbiter of what a "competent person" is? That raises further major legal issues. What would happen if one person were to say that someone were incompetent and raised that issue with the police? That is more regulation, and who deems that? It raises more issues about the carrying of written evidence to show ownership of the land. That is further bureaucracy, and who determines those issues?

Another issue is that for flushing out to be exempt hunting, it must not involve the use of more than one dog below ground at any given time. How in this world do you prevent dogs from going underground, especially dogs such as Jack Russells and terriers of that type, whose nature it is to go underground? How do you make sure that no more than one dog is underground if there are two, three, four or more holes in a warren nearby? It is totally impossible and impracticable, and it has no semblance of the real world or, indeed, nature.

Earlier, I referred to the regulation of hunting with rats and rabbits. When the legislation gets to that point, it takes off in a weird and wonderful direction altogether. Any of us who have been out with a dog will know that it is the most natural thing for a dog to chase a rat that runs across a roadway or a laneway into someone else's field. However, under the Bill, that would raise major and significant legal implications that could, if enforced, wind up in court.

I make no apology for the fact that I am a practitioner of country sports. I enjoy them, and they are what I was reared with and how I was brought up. They are my way of getting a breather from the political world. Aside from that, I see the Bill as being against common sense and, in fact, against nature. It will create a plethora of red tape, bureaucracy and legal ramifications. I thank Mr Beggs for the information that he gave when he said that it has already been concluded in Britain that such legislation is unenforceable and, in fact, impracticable in its workings. For those reasons, I oppose the Bill.

**Ms Lo:** I support the Bill wholeheartedly, and I thank Mr Wilson for introducing it.

I am saddened to hear Member after Member speak in defence a cruel sport. In particular, it was sickening to hear Mr Kinahan's description of a fox being hunted by a pack of dogs while

lots of grown-up men sit on horses that run after it. With due respect to Mr Kinahan, who said that that is his way of life and that he was brought up doing it, I find that really sickening. Can we really call that a sport? To me, a sport is between equals competing against each other. That is why there are football leagues and why boxers have to be weighed so that they are at the right weights.

How can we call lots of men on their high horses chasing after a single fox a sport?

**5.00 pm**

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

**Ms Lo:** No; I will not. You had enough chances. I have waited a long time for my chance to say my piece, so you will just have to listen to me.

I wish that there were more women here to speak. If there were, there would be more support for the Bill. I say that with respect to my two colleagues.

The practice of hunting wild animals with dogs is a barbaric, inhumane, cruel and outdated blood sport that has no place in a modern civilised society. Many of the arguments against the Bill are based on the lack of effect of the Act that was passed in England and Wales. However, according to a recent poll, the Act retains the support of 75% of the public in England and Wales. A further poll shows that 77% of the population wishes to see the hunting ban properly enforced. In their manifesto, the Conservatives promised a vote on the repeal of the ban; however, it is predicted that such a vote would be lost by up to 66 votes.

It is not enough to say that the Hunting Act has not stopped hunting in England and Wales and that therefore it should not be introduced in Northern Ireland. That is a poor reason not to introduce legislation. It is against the law to do many things that continue to take place, such as murder, rape, theft and speeding, to name a few. More than 100 people have been prosecuted for breaking this law since it was introduced.

People say that legislation is already in place to prevent animal cruelty. That is true. In fact, we are improving that legislation through the Dogs (Amendment) Bill and the Animal Welfare Bill, which the Committee for Agriculture and Rural Development is examining. However, the law on animal cruelty does not cover hunting; therefore, there is a need for this Bill.

**Mr Beggs:** Does the Member accept that a fox will kill hundreds of mammals in its lifetime, some farmed and some wild? It could be argued that dispatching a fox would protect the welfare of many other animals. When I was at primary school, I came across a group of hens that had been indiscriminately murdered. A fox does not kill one animal; it takes everything out. As was described earlier, a fox will kill everything and then wander off.

**Ms Lo:** That is a totally unacceptable argument. Surely, it is the responsibility of the farmer to have proper fencing to stop foxes coming in. Do those of you who have hens not have fencing?

**Mr Beggs:** My sister has free-range hens and has a very effective electric fence. I do not know, but foxes got in on two occasions. Foxes are very cunning, and, despite elaborate defences, frequently get in.

**Ms Lo:** I suggest that the farmer do better and get better fencing.

**Dr Farry:** Given Mr Beggs's attitude to animal welfare, does my colleague not find it strange that Mr Beggs said that the fox had "murdered" the hens? It seems a very strange term to use. Does she also accept that, whereas we can refer to things that happen in nature, men dressed in red or blue or black on a horse chasing a fox is not something that is in their nature? When animals hunt in nature it is for food, not for sport.

**Ms Lo:** Absolutely. It is natural for animals to hunt and kill other animals for food, not for sport. That is not the same as men running around like mad dogs to satisfy their desire for thrills.

Animals have thoughts and feelings, and, like humans, they experience fear and pain. It is obvious that pursued animals, during and after the chase — if they are lucky enough to survive — will suffer a negative reaction to the stresses and injuries inflicted on them. As humans and legislators, we have a moral responsibility for animal welfare, not just to our pets but to animals that live in the wild.

Last weekend, I was walking my dog in Roe Valley Forest Park, and my dog saw —

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

**Ms Lo:** May I finish my story first? My collie saw a squirrel on the path and ran after it. I could



see how panicky that little squirrel was, as it ran up a tree and jumped from tree to tree.

**Lord Morrow:** What did the dog do?

**Ms Lo:** It was a squirrel.

**Lord Morrow:** Yes, but what did the dog do?

**Ms Lo:** My dog is a border collie, and we were very annoyed with it. I am a city dweller, but, as an animal lover, I could sense the pain that my pet dog had caused to that wild animal.

**Mr Molloy:** Does the Member accept that a dog is a wild animal? It has been domesticated, but what right does the Member have to hold that dog, put it into a pen, put a lead on it and control it? If we are talking about wildness, surely animals of all types should be allowed to run wild. By controlling her dog in that way, the Member is taking it away from its natural environment.

**Ms Lo:** Dogs are no longer wild animals. We all keep dogs in our home, but would the Member keep a wild animal in his house? Hunting dogs are different types of dogs, but they are not wild animals.

**Mr Beggs:** Will the Member give way again?

**Ms Lo:** Yes, for the last time.

**Mr Beggs:** The Member explained what happened when her dog came across a squirrel. Can she understand what would happen if a group of hounds out drag-hunting came across a fox? The police would have to investigate why hounds had chased and possibly killed a fox. That is what the legislation would do. It is bad legislation.

**Dr Farry:** It is not the fault of dogs but of men and their horses.

**Ms Lo:** Exactly. It is the fault of those who train their dogs and their horses.

Arguments have also been made that hunting is not about the kill, as hunts do not often result in a kill. If that is the case, what is wrong with drag-hunting? There is hypocrisy, in that some proponents of hunting say that it is about pest control. However, how can that be if hunts rarely result in kills? I am sure that farmers can control the fox population through other methods that are far less cruel.

**Mr T Clarke:** What are they?

**Ms Lo:** Another Member referred to shooting and other means of control such as traps.

**Mr Bell:** Will the Member give way to me for the first time?

**Ms Lo:** No, the Member had his chance.

Other Members said that hunting is a natural way to control the fox population, but how natural is it for people to spend hours chasing a single fox? What a waste of time. Fox-hunting was banned during the outbreak of foot-and-mouth disease, yet there was no significant effect on fox numbers. We must all bear that in mind.

Other Members argued that hunting is a traditional country pursuit and a way of life that is worth protecting, but I find it difficult to agree with that. Many things that were once acceptable, such as slavery, bear-baiting and cockfighting have been outlawed. Fox-hunting should be added to that list. The fact that something was once an accepted way of life does not make it legitimate for all time.

Statistics show that, in the six years that England and Wales has had the legislation, no hunt has gone out of business as a result of the hunting ban. In fact, ending hunting could entice people who are opposed to animal cruelty to join a hunt at which only drag-hunting is allowed. It is not a town versus country or even a class issue. Hunting any wild animal with dogs is a fundamentally cruel activity.

**Lord Morrow:** On a point of order, Mr Deputy Speaker. I draw your attention and that of the House to Standing Order 25. I believe that the matter has been debated right round the House and propose, therefore, that the Question be now decided.

**Mr Deputy Speaker:** I am content that all parties have had a reasonable opportunity to contribute to the debate. I will, therefore, put the Question as set out in Standing Order 25. I remind the House that this is not the Question on the Bill stage. It is the Question on whether the Question on the Bill stage should be put right away. If the House agrees to my first Question, I will put the Question on the Bill stage.

*Question, That the Question be now decided, put and agreed to.*

*Main Question put and negatived.*

**Mr Deputy Speaker:** The Second Stage of the Hunting Bill is not agreed. The Bill falls.

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

*Motion made:*

*That the Assembly do now adjourn. — [Mr Deputy Speaker.]*

## Adjournment

### Shackleton Army Base Site, Ballykelly

**Mr Deputy Speaker:** I remind Members that the proposer of the topic will have 15 minutes in which to speak. All other Members who wish to speak will have up to eight minutes.

**Mr Dallat:** I thank the Business Committee for selecting this topic for an Adjournment debate. I welcome the attendance of other Assembly Members. I saw a couple of Ministers here during the Hunting Bill debate and was all excited because I thought that they were going to stay. However, I am sure that they will read Hansard and take into account what is said not just by me but by everyone else.

On a bright note, in recent times, the homes attached to the base have been purchased, and many families have taken up residence. Indeed, a new supermarket has opened to replace the old Navy, Army and Air Force Institutes (NAAFI) shop. All that is welcome news in an area in which there has been a great deal of despondency. I am sure that the new families and, indeed, all the people of Ballykelly and far beyond wish the site to be developed in a balanced way that will enhance and add value to the area and create the kind of commercial activity that will mean sustainable jobs for not only the present generation but future generations.

We could look back and be critical that the base was not gifted by the British Government in the same way that other former Army bases were. I know of two such bases in Omagh and another two in Derry. Indeed, we could feel angry that the Office of the First Minister and deputy First Minister expressed no interest in the camp being gifted. Surely, now is the time to take stock and put in place a master plan with new ideas and concepts and an enthusiasm for ensuring that this piece of the past does not simply become a relic of failure for the future.

### 5.15 pm

There is now an urgency to regenerate that area, especially as unemployment and a lack of opportunities are at an all-time high. Nowhere is that truer than in the north-west, where there has been a history of economic and social neglect.

It is important to look forward rather than back, but there must be outcomes. I want to create an enthusiasm and an appetite for looking outside the box for new ideas and concepts so that we can weave them with some traditional thinking, which has worked well in the Limavady area in the past. Above all, I want to pick up on the debate, run with it and beat it into the ploughshares of future enterprise and business opportunities. I want a clear signal to emerge that collectively we are determined to make this 900-acre site a success for the future, a dream emerging during one of the worst economic doldrums in modern history. We can and we will do that, but everyone needs to pull in the same direction. To date, that has not happened. All Departments must have their shoulder to the grindstone, be clearly focused and follow a plan that leads to regeneration and prosperity for the future.

In recent years, this area of the north-west has been devastated by job losses in agriculture, textiles and, latterly, the electronics and construction industries. Many people were engaged in construction prior to the virtual collapse of that industry. It is now but a dream gone horribly wrong, because the banks were not controlled and the speculators thought that they were in a gold rush.

It is important, however, to acknowledge the successes in creating new jobs, particularly where the local enterprise agency has worked in partnership with Limavady Borough Council. A demand for commercial office space was identified and provided for. The area needs more of that kind of accommodation, and the former Army barracks is ideally placed to provide it.

There have also been other successes, and I acknowledge the achievements of the Limavady Community Development Initiative, the North West Lifelong Learning Association and other groups that have clearly demonstrated that where there is a will there is a way. Surely, as an Assembly, we must back those groups.

“Blue-sky thinking” is not a term that I particularly like, but it is essential that we think outside the box at times. In times of crisis,

we must be more innovative than ever. The recent completion of Project Kelvin makes that more important than ever, because it creates boundless opportunities for new thinking. However, those opportunities are time-limited, because Project Kelvin is available to others. What a shame it would be if a world-class communications facility, which literally runs past the door, was not availed of.

The Ballykelly site has many strengths, but its fundamental weakness is that there is no strategy. Dare I hope that, after this debate, we will be able to encourage the Office of the First Minister and deputy First Minister and the various other Ministers who have a role to play to support the establishment of an economic task force? Such a task force could be established if there is the necessary will and drive at Government level.

Among the strengths of the site are the airstrip and its close proximity to the City of Derry Airport. The Derry to Belfast railway passes through the site. Imagine how important that could be if there was a range of industries that could utilise rail transport. I am thinking of the many recycling opportunities, which would raise no environmental issues and would provide well-paid and sustainable jobs.

The site has one of the biggest aircraft hangars in the world; it is a listed building. It has been suggested that that could become a transfer station of some kind, and I have no doubt that somewhere in the world there is an idea or a concept that needs that kind of building. If only the project was off the ground and being marketed aggressively, not just locally but abroad as well.

The site also has had one of the best all-weather pitches installed in recent years and has a first-class community centre of European dimensions. That could be the basis for investment in one industry that is expanding and growing steadily: the leisure industry.

If we had the concept on paper, we could develop it and make it possible to attract expressions of interest in a range of world-class sports capable of bringing new wealth and job creation to the area. I certainly cannot think of a more pleasant part of this island, overlooking as it does the sea and the beautiful coastline of Derry and Donegal. The potential for developing hotels and other accommodation sites would be unlimited. As was mentioned, the airport

is there. The railway is also there, and it is no ordinary railway. It featured some years ago in an episode of Michael Palin's 'Great Railway Journeys' in which he travelled from Derry to Kerry. The railway could be the umbilical cord that would feed new life and enterprise into the site, which, as I said, occupies one of the most beautiful coastlines.

I return to the more mundane type of provision. There is a market for short-term lets, where there is flexibility and rents are at the lower end of the spectrum. Offering rents at, say, a tenner a day would provide a massive impetus to home-run industries to move out and expand. Perhaps that is the blue-sky thinking that I mentioned, but it is important to remember that some of the greatest successes in the world were born out of a throwaway remark that was initially dismissed and forgotten about before being rediscovered.

This may sound sounds like daydreaming, and perhaps to some that is because we have lived in an environment in which it has been traditional to look to government to create jobs and factories. However, the days of the big job providers are well and truly over. That is not to say that government does not have a role; of course it does. However, it is a very different and much more difficult role and one that is highly dependent on the co-operation and partnerships created locally by not just the council but the enterprise agency, the Chamber of Trade and other important organisations.

The former Army site at Ballykelly has so much to offer if we can create the interest and bring on board the entrepreneurs who still have money and seek opportunities to invest in long-term, sustainable businesses that will certainly not create fortunes overnight but have a future that is relatively risk-free in a competitive world. The Assembly, as a regional Parliament, must convince the public that it is important and has a role to play that stretches beyond many of the issues that bog it down from time to time or, as in the past, led to its suspension.

We are, dare I say it, at an important crossroads at which it is critical that we begin seriously to take action on the bread-and-butter issues that are important to people who have lost their job, want their children to stay at home and avoid emigrating and do not want to subscribe to an Assembly that does not have the capacity or capability to bang heads together to create the

sort of synergies that transform communities and people's lives.

Despite the fact that we do not have any Ministers in the Chamber, I hope that this debate leads to an initiative that helps to regenerate the north-west and puts the former Army camp to good use. The alternative is to do nothing and allow much of it to be reclaimed by the sea, because it depends on pumping stations and other things that I do not quite understand.

I want this generation to be remembered for what it built. Many in the past will be forgotten for what they neglected or, indeed, destroyed. The Assembly has yet to make the impact that is needed to convince our people that it means business and has the capacity to make the changes needed in an ever-changing world in which global issues have dominated people's lives.

I appeal to the Executive, in particular, to study this Adjournment debate and take seriously what is being said, not just by me but by the other Members who have given of their time to stay behind and take part in the debate. I hope that they will take seriously what has been said and begin a process that will be a driver for economic prosperity in the north-west and beyond.

Already, up the road, that is happening at the former Army bases at Ebrington and Fort George. I encourage anyone from outside that area to go and see for themselves what is possible if there is a will and a way. I believe that it must and can happen in Ballykelly too, not as a rival to our neighbours up the road but complementing the work that is needed in that part of the north-west, which in the past has suffered economic and social neglect.

**Mr Leonard:** Go raibh maith agat, a LeasCheann Comhairle. Thanks for the opportunity to discuss this matter in Adjournment debate form. There are many aspects of what Mr Dallat said that all of us could buy into as a point of principle. There are many needs and desires. We could go from housing to the rent situation, the railway connection, the hangar, the pumping station and all the aspects of the site.

I have two things to say on that. We have had trouble getting INI to give over land for development for foreign direct investment, we have a tourism strategy that ends at Magilligan Point and has never gone across the bay to Greencastle in Donegal, and we have difficulty

getting people to do blue-sky thinking on the Kelvin project. The appeal that has been made in the Chamber this afternoon is no doubt genuine and one that we could all buy into, but a lot of different organisations and agencies need to step up to the plate in a way that has not been done up to now.

Therefore, to deliver some or all of that or to even get to the point of the paper exercise, the strategy and all the rest of it, there would need to be an awful lot more co-operation. That co-operation could start in the Chamber this afternoon, among the MLAs for the area and out and beyond. I appreciate that Mr Dallat said that he did not like the term, but we know what he means about blue-sky thinking being required. That is essentially what is required for many of the sites. It is particularly required for the area that we are talking about, and it has been for many years.

My second point is that this particular site was one of the four sites mentioned in the Hillsborough agreement. We have called on everybody — I am sure that the Members yet to speak will call on people — to take one central element of this site very seriously. As I said, it was one of the four sites mentioned in the Hillsborough agreement, which outlines the whole idea of transferring the land over to the Executive. That gives rise to a very practical issue. Are we saying that, as of today, tomorrow or next week, the Executive should take on a bill? Even to start the whole array of thinking and strategising needed for that site is going to cost a fortune, unless the British Ministry of Defence lives up to its responsibilities.

Mr Dallat quite rightly mentioned Fort George: £8 million is the cost of decontaminating that site. The Shackleton site will also have to be decontaminated. What we do not want is the Ministry of Defence giving us something that will cost a fortune. I can say right away that, if we got Shackleton tomorrow and had to start to pay the bills for clearing, securing and, most particularly, decontaminating the site, I guarantee that a question will be put to this Assembly asking why we are wasting taxpayers' money and why it was not done before the handover was agreed.

What we have is a definite need, desire and possibility to work together as never before in that area and to progress something that is of value to the local community and beyond.



However, the whole idea of the negotiations on gifting the site and the process of its transfer requires the MOD to come up with the goods. The Executive, Assembly and taxpayers here should not be given the bill for the land to be made ready for handover to the community for its benefit and that of society in general.

### 5.30 pm

In conclusion, some ideas, desire and vision already exist. However, as the Member who secured the Adjournment debate said, a great deal of work is needed. Progress hits a brick wall when it comes to the central issue, which is that the site, like others, needs to be cleared and decontaminated for it to be of real value to the community locally and generally. Go raibh míle maith agat.

**Mr G Robinson:** I welcome the Assembly debate on an issue that is of such great economic importance to my East Londonderry constituency and to Limavady in particular. Mr Dallat and I are both aware of the strategic importance that the former Ministry of Defence site has for the future of the local economy.

The site still has a railway track that runs through it, an airfield and many fit-for-purpose buildings, some of which are fairly new, that could be used for all sorts of functions. Indeed, I have expressed my belief in Shackleton's importance on many occasions and in various locations. Mr Dallat may recall that, quite some time ago, I brought the site to the attention of Limavady Borough Council. At that time, after the decision was taken to close the site to military operations, I proposed that it would be the ideal location for the new policing college, which was mentioned earlier in the Finance Minister's statement. That would have attracted around 600 much-needed jobs to the area. Unfortunately, that proposal was rejected by the nine Sinn Féin members and six SDLP members of Limavady Borough Council.

Furthermore, at that time, I had the support of the then Secretary of State, Peter Hain. He said that I should lobby the security Minister, Paul Goggins. I did so, but to no avail. Indeed, Mr Dallat's party colleagues, along with Sinn Féin, appeared to be delighted to see the base close despite the benefits that such a development would have had for the whole community in Limavady.

I want to see the site developed to its full potential in a positive and constructive way.

Indeed, I am on record as saying that. Since the news broke that the site was to close, I have urged for a positive use for the site that benefits all people, which includes the proposal to which I have already referred. Despite the setback at council, I have continued to lobby for the police college to be located there. Most recently, in October 2010, I wrote to the First Minister in that regard. Although I now accept that that might not happen, I have also called for a carefully thought out approach to the site's development. Whether that is as a business park, a centre for developing small and medium-sized businesses, a leisure facility or for a mixture of uses, it is essential and imperative that it creates employment opportunities for the north-west and Limavady, in particular, which has suffered disproportionately in recent years from massive job losses. The erosion of the area's manufacturing bases has left it heavily dependent on leisure and service sector jobs, which have the reputation of being low-paid. I sincerely wish to see that being addressed. Shackleton Barracks must be viewed as a cornerstone for the employment and economic future of the area.

I will continue to lobby Ministers, from the First Minister to the Minister of Enterprise, Trade and Investment, for the site to be put to the best possible use when it is handed over to the Northern Ireland Executive. Although I welcome today's announcement of 300 new jobs for Londonderry, I will not fail in my efforts to ensure that such jobs are secured for Limavady in the future.

Finally, I welcome the opportunity to discuss Shackleton Barracks. Although Mr Dallat and his party are johnny-come-latelys to the issue, I hope that all parties will join in my desire to have the site used to the benefit of Limavady and the greater East Londonderry community at the earliest opportunity.

**Mr McClarty:** I welcome the opportunity to discuss the potential for Shackleton Barracks. This is no time to be playing party political games with the site. This is about the future economic welfare of the entire constituency of East Londonderry, and I contend that Shackleton Barracks will play a huge role in better times ahead.

I am sure that all Members will agree that the former Shackleton Army base is an asset for the north-west, particularly the Limavady Borough Council area. Shackleton, which began life as

Ballykelly RAF, was founded almost 70 years ago and, consequently, has had a long and eventful presence in the area. Apart from the important role that it had to play during the early 1940s, the base has become synonymous as the home of the 5th battalion of the Ulster Defence Regiment. It provided much employment and contributed hugely to the local economy for many years. Therefore many people throughout County Londonderry have had a personal connection to the base and continue to do so to this day.

I was saddened to see the military presence disappear completely from Ballykelly two years ago, but I am content that Northern Ireland no longer requires a large domestic military presence. Although some individuals are still deluded enough to use violence, they are few in number and even fewer in support.

Like every other area, the north-west has not escaped the slowdown in business in recent years. The closure of the Seagate factory had a detrimental impact on the local economy and, more recently, the difficulties experienced by Limavady Gear Company have only augmented those concerns. Therefore we should be looking at the potential capabilities of Shackleton. It is an enormous site, which stretches to well over 700 acres. Some say that it is 900 acres, but my information is that it is 700 acres. It is located in an ideal area for passing trade, is within easy reach of the City of Derry Airport and has good connections to Belfast International Airport. Most importantly, it is in an area where economic development would be embraced not only by the local council, but by the local population. In fact, it would probably be the skills of the local workforce that would act as the strongest pull factor to any potential inward investors. Not only is the local population exceptionally trained and deeply committed, but many of them have been educated at one of the area's two excellent university campuses — Coleraine and Magee.

It is easy to stand up and talk about the need for something to happen with the site, but it is often easier to forget to mention any specific proposals. I have a few suggestions. When Limavady Borough Council and the enterprise agency recently made available a number of units for small office accommodation, they had expected them to be taken up within a 36-month period, but all were taken up within 18 months. Perhaps that is something that

could be developed at the site. I suggest also that something could be done with the aircraft hangar, which is located at the bottom of the site. I know some in the council have been discussing that. The hangar is a tremendous building, and, like the Paint Hall at the Titanic Quarter, is a listed building. Perhaps the Minister of Culture, Arts and Leisure will look into how his Department could encourage and develop the creative industry in the locality and make use of the building. Presently, HBO is filming a blockbuster television series in the Paint Hall, which will mean an input of about £20 million to the local economy. The hangar has similar potential.

Given the size of the site at Ballykelly, there is ample room for several economic developments. Considering its central location, the area could no doubt benefit from a budget hotel. It would also make an ideal location for a call centre, as it would present firms with almost unlimited potential to expand.

I am disappointed that there will be no ministerial response to the debate. I thought that the Office of the First Minister and deputy First Minister or the Minister of Enterprise, Trade and Investment would have an interest in the debate.

Nevertheless, I hope that today's debate was not in vain. I am sure that the MOD would happily see the site put to good use. Even though the MOD is still spending a considerable amount of money on keeping it from flooding, I am sure that, with some effective negotiation, the First Minister and the deputy First Minister could come up with an attractive settlement with their counterparts in London. I support the debate.

*Adjourned at 5.40 pm.*









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