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Suggested amendments or corrections will be considered by the Editor.

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Northern Ireland Assembly

Monday 28 February 2011

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

Members observed two minutes' silence.

Assembly Business

Standards of Debate

Mr Speaker: Order. Before the start of today's business, I would, once again, like to remind Members of my previous rulings on standards of debate in the Chamber. Over the past few weeks, there have been incidents when Members have crossed the line with regard to what is acceptable debate in the House and have made personal remarks about one another.

Last week, Mr John O'Dowd raised a point of order about Mr Fred Cobain's comments about Mr Kelly during the previous day's Matter of the Day on the McGurk's Bar bombing. I remind the House that I tried to intervene at the time in an attempt to prevent the Member concerned going beyond what is in order. Having read the Hansard report of the debate, I believe that his remarks fell far short of what is expected in the House. I must say that. In particular, during Matters of the Day, when, due to its nature, the subject is, normally, approved by me, I certainly do not expect Members to engage in personal or bad-tempered remarks.

I intend to say nothing further about the matter in the House. The Speaker's Office has already spoken to Mr Cobain. Sometimes, when I intervene to try to get a Member to be careful in what he or she might say, it is to help the Member to ensure that he or she does not stray beyond the subject.

I must also say that, that morning, Mr Cobain challenged the authority of the Speaker. That is something that I will not allow to happen while I sit as Speaker. Let me make it clear: it will not happen. There may be an election coming, but that gives Members no excuse to personalise remarks to other Members. I often tell Members that, even if they do not respect one another, they should try to respect the conventions and

Standing Orders of the House. Since we have quite a lot of business to go through between now and 25 March, I would like to think that we can focus on the business that is before the House and get on with the business that we need to get on with in the Assembly.

Suspension of Standing Orders

Mr McCarthy: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 28 February 2011.

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

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 10(2) to 10(4) be suspended for 28 February 2011.

Mr Speaker: As there are ayes from all sides of the House and no dissenting voices, I am satisfied that cross-community support has been demonstrated. As the motion has been agreed, today's sitting may go beyond 7.00 pm, if required.

Ministerial Statements

Prison Review

Mr Speaker: I have received notice from the Minister of Justice that he wishes to make a statement to the House.

The Minister of Justice (Mr Ford): I am pleased to inform the Assembly of the publication today of the interim report of the prison review team, which is chaired by Dame Anne Owers. As Members will be aware, the prison review team was established in July 2010 to conduct a rolling review, in line with the Agreement at Hillsborough Castle of 5 February 2010, encompassing the conditions of detention, management and oversight of all prisons in Northern Ireland. That came out of a recognition that there had been a significant lack of reform and investment in the service over the years, which led to the range of deficiencies that I am determined to address. I am grateful to Dame Anne and her colleagues Paul Leighton, Clodagh McGrory, Fergus McNeill and Phil Wheatley for their diligent work on the review and for bringing forward the very helpful interim report of their findings to date.

Since July, the review team has visited prison establishments and other relevant agencies and gathered evidence from groups, organisations and individuals. The review team's initial terms of reference envisaged that it would produce a report on Maghaberry prison before examining the other two prisons and the wider issues around women and other specialist groups, as well as the management and oversight of the system. However, the team felt at an early stage that it would be difficult to deal with the issues arising at Maghaberry without tackling some of the underlying themes, such as management, leadership, vision, objectives and culture, and without looking at the wider context across the criminal justice system. It also recognised that significant change was being planned in the Northern Ireland Prison Service, and it wanted to ensure that its report took account of and contributed to that preparatory work. For those reasons, I agreed with the review team that it would produce an interim report in the early part of 2011 in which it would set out what it sees as the key elements and scale of the change required in the Prison Service and state how it believes the Prison Service should respond. It is that report that is published today.

I welcome the report. It sets a clear direction of travel and helpfully identifies the areas where specific recommendations are likely to be brought forward in the review team's final report, which will be published before the summer.

I am pleased to say that the interim report endorses the reform agenda that has been one of my key priorities since I took up this post. I particularly welcome the fact that, in addition to focusing on the Prison Service, the report identifies the issues that require a coherent response across Departments to bring about change. It is a report on our prisons, but, by recommending as it does an interdepartmental safer society strategy, it makes it clear that the issues of reducing offending and reoffending cannot be addressed by prisons alone. I look forward to working closely with Executive colleagues on the emerging cross-cutting issues now and after receipt of the final report.

The review team's report goes on to clearly set out the scale of the challenge for the Prison Service and highlights the core principles that should underpin a service that is fit for purpose in the twenty-first century. It aims for a modern, progressive and effective Prison Service with a central aim of contributing to the creation of a safer society, supported by three pillars: justice and fairness; security and safety; and decency and dignity. That is very much in keeping with the vision for the Northern Ireland Prison Service that is now being developed under its new leadership. It is a vision of a service that will have the offender at the centre of its focus, working towards the delivery of a safer society, where the risk of reoffending is reduced.

The report brings a welcome and necessary independent perspective and analysis, and it points to a major change agenda, for which I know the foundations are already being laid in the Prison Service. It also reinforces the need to pick up the pace of those preparations, identifying areas where further preparatory work should be undertaken and helping to shape and broaden the development of the strategic efficiency and effectiveness (SEE) programme. That programme will be the main vehicle by which the Prison Service will deliver the transformational change that is demanded by the report.

The ultimate definition of the SEE programme will, of course, be informed by the review team's final report, which will describe more fully its views on the shape and detail of the transformation

that is required. At this stage, however, the review team is clear that the programme will need to address issues relating to operational management, reforming the security-led culture, the need for stronger accountability mechanisms and more effective disciplinary and dispute resolution procedures.

The report also calls for a new deal for those working in and running our prisons, with two components. The first component involves measures to ensure and reinforce governance, accountability and performance, and the second is a staff development package with an early retirement scheme and a new recruitment and progression programme. The proposed early retirement scheme is described in the report as a means of allowing staff:

"who are disaffected, exhausted or disengaged to leave with dignity".

Although I have made it clear on several occasions that a Patten-style package is neither appropriate nor affordable in the current financial climate, some flexibility in developing a scheme will be required if we are to ensure that a sufficient number of staff leave the Northern Ireland Prison Service on a voluntary basis.

It is clear from the report that the introduction of an appropriate exit scheme is key to the fundamental change required of the Northern Ireland Prison Service. In view of that, I will seek approval for proposals to be brought forward to enable staff who wish to leave the organisation to do so. At this stage, my intention is that such a scheme will be in place by autumn this year.

The interim report also sets out the review team's concerns regarding the current prison estate and plans for its development. The review team would like to see more of a focus on rehabilitation as a core aim and suggests that plans for the estate should be revisited and revised with that in mind.

Since a previous ministerial decision taken in 2007, the Prison Service has been developing plans for the redevelopment of Magilligan, and proposals have been prepared in respect of a new women's prison. However, in recognition of the different circumstances that now prevail, I have asked the director general to review the appropriateness of the current prison estate strategy, including the emerging proposals in relation to Magilligan and the women's prison as well as provision for young people. That exercise

will be informed by the prison review team's findings and will reflect the environment in which we are working today, post devolution and against the backdrop of a significantly changed financial situation.

The director general is committed to bringing to me a costed options appraisal by the end of the summer, which will update and refresh the estate strategy based on an evaluation and reassessment of the likely population trends over the next five to 10 years and beyond. I can give an assurance that any decisions about the future of the prison estate will be made in the context of the overriding need to ensure that the opportunities for rehabilitation and resettlement are maximised in the context of value for money.

The report makes it clear that those internal prison system issues are only the first steps. Those steps will provide a platform on which we will build a more effective system, with rehabilitation as one of its core aims. I look forward to the team's final report, in which it intends to develop further what such a rehabilitative prison system should look like. In line with that, work is already under way in the Prison Service to bring a sharper focus on rehabilitation across the board. Central to that will be restructuring within the Prison Service to create a directorate focusing specifically on offender policy and on regimes that will make opportunities available for prisoners to address the causes of their offending and to more effectively resettle on their release.

12.15 pm

Picking up on themes from Dame Anne's report, the service will also engage in further research and development, focusing, for example, on improving and embedding procedures for effectively assessing the needs of prisoners and on planning and delivering evidence-based programmes. There will also be work to integrate rehabilitation better as a core aim across the offender management system. That will require improved information systems within and between prisons and with other agencies and providers, and the development of performance management systems to measure and evidence success. All in all, the building blocks for radical change are being put in place in the Prison Service.

The report makes other recommendations that require detailed consideration by and among a range of other bodies. Those include a recommendation regarding the detention of

children and people under 18 years old, for example, which is under consideration as part of the youth justice review, and a recommendation related to the high number of fine defaulters and remand prisoners in our prisons, which I wish to discuss with the Criminal Justice Board, delivery group and inspectorate. I will ensure that those recommendations are taken forward as we await the review team's final report.

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

Undoubtedly, a great deal of work remains to be done, but I continue to believe that devolution offers us the opportunity to implement the fundamental transformation of our prison system that is demanded by the report and desired by all who want to create a safer Northern Ireland. Once again, I thank Dame Anne and her team for the report and their ongoing work. I assure the Assembly that the new leadership and management in the Prison Service are already planning enthusiastically to meet the challenges that the report sets out, and I look forward to receiving the team's final report later in the year.

The Chairperson of the Committee for Justice (Lord Morrow):

I think that this is about the twenty-third report that we have had on prisons in recent years and, according to the Minister, I think that we are going to have to wait for another one. However, that does not surprise some of us, and I suspect that, when we get the twenty-fourth, we will be looking for another.

Having said that, I thank the Minister for his statement on what is a key element of the justice system: prisons. The Committee received briefings on prison-related matters, most of which, unfortunately, were very critical of the Prison Service or focused on problems or mistakes. I do not think that any member of the Committee for Justice underestimates the need for action to address the many difficulties. During the Committee visits to Maghaberry prison and the young offenders' centre, however, we met many dedicated, committed and professional staff undertaking very good work.

Will the Minister provide more detail about the timescale and likely cost of the major change agenda, as it is called? In his statement, he said:

"some flexibility in developing a scheme will be required if we are to ensure that a sufficient number of staff leave the Northern Ireland Prison Service on a voluntary basis."

Will he outline exactly what he means by a sufficient number of staff? What number does he have in mind, and can he confirm that the scheme will include management grades and headquarters staff and not just prison officer grades? Will he also outline what criteria will apply to any retirement scheme and what he intends to do if, in his view, a sufficient number of staff do not apply to leave?

In my position as an MLA rather than Chairperson of the Committee, I am bit confused about one paragraph in the Minister's statement:

"The proposed early retirement scheme is described in the report as a means of allowing staff 'who are disaffected, exhausted or disengaged to leave with dignity'."

Is the Minister really saying that we are going from the present regime into an open prison regime in Northern Ireland? Quite frankly, if that is the way we are going, this party will not support any such thing.

The Minister of Justice: I thank Lord Morrow for his supportive comments. This may or may not be the twenty-third report, and there may or may not be a twenty-fourth. There have not been 23 reports since 12 April 2010. What I am committed to and what the Hillsborough Castle Agreement commits the Department of Justice to is ensuring that the lessons not taken on board by the Northern Ireland Office prior to devolution are now taken on board under devolution to see that we deliver a modern and effective prison service for the people of Northern Ireland. I am committed to that and regret that so many reports were ignored by those who had the responsibilities that I bear today under different arrangements.

Lord Morrow asked a number of questions, largely about how staff would be treated. He quoted the line from the report that I quoted in my statement about allowing those who wish to leave to do so with dignity. The reality is that, compared with any other prison service in these islands, ours is significantly overstaffed. Our level of staffing is maintained at an extremely high cost. We now live in a different environment, in which many of those who carried out particularly difficult tasks over the past 20 or 30 years and bore their responsibility in a way that was required at the time now wish to leave the service with appropriate dignity and recompense for what they did.

I cannot give any response to the questions about the number who will leave or what the changes will cost. However, many of the prison staff whom I have met on visits to prisons have done the job for many years but no longer wish to remain. Others see opportunities for developing a different, modern and effective prison service and wish to be properly trained to play a part in that in a different way. We need to ensure that we provide retraining for the latter group to assist them to play their part. We also need to provide the exit opportunities for those who wish to leave. That will not be a Patten-style package, because we cannot expect the same financial arrangements as those that were made for the police service. We can ensure that we seek the most generous package possible to ensure that those who want to leave have the opportunity to do so. I will engage with the Minister of Finance and Personnel to ensure that that package is made in that particular way.

On Lord Morrow's final question about whether we are moving towards an open prison environment, I am pleased that he recognises that we do not have an open prison system at the moment, because others have criticised me on that point. As our prison estate has only two adult male prisons and a large number of categories of prisoner to cater for, we do not always have the appropriate facilities to provide what is needed.

If Lord Morrow and the Committee were to visit the Foyleview unit, which is part of the Magilligan complex, they would see in operation what is, effectively, an open prison that is successfully working to rehabilitate prisoners. So, we need to see some developments in that direction. We also need to ensure that maximum security remains for the small number of prisoners who require it.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I welcome the Minister's statement and put on record our thanks to the prison review team for the work that it has done. Obviously, it is not finished, but we are gladdened by some of the work that it has done. Even though the report is an interim one and we only have the headlines from it, all the issues that we are all too familiar with have been brought together in it. Having had 21 reports has allowed us to know what the issues are going to be.

My party is saying that the report's recommendations are a touchstone for the Department and for what the Minister described as the new leadership in the prison administration. The report, its recommendations and the pathway that it projects cannot be held back by self-interest —

Mr Deputy Speaker: Question.

Mr McCartney: — nor can they be held back by people who have been described as disaffected, exhausted or disengaged. Will the Minister assure me that he too sees the recommendations of the report as a touchstone, so that we will not be seeking another report or review in 12 months' time?

The Minister of Justice: I thank Mr McCartney for his positive words. He made it clear that the report is an interim one and is a work in progress. However, that work is well started in what it has brought together, as well as the initiation of new areas of work by Dame Anne and her team.

The Member used the term “touchstone”. Dealing with the difficult and serious issue of prison reform will be a touchstone, but not just for the Prison Service and the Department of Justice; it will be a touchstone for the Assembly and the Executive to get the required degree of collectivity to ensure that we make the necessary reforms and provide a prison service that is fit for the needs of the twenty-first century. If his reference to a touchstone was an offer of support from him and his colleagues, I welcome that, but there are partnerships that need to be built on a much wider basis.

Mr McNarry: I also welcome the statement on the promised interim report, and I await the final conclusions with interest. The interim report uses the phrase “disaffected, exhausted or disengaged” to describe staff in the Northern Ireland Prison Service. Aside from the fact that that paints a negative and largely unfair picture of prison staff, is the Minister stating that the proposed early retirement scheme will apply only to staff who fit those criteria? Will the final report by the review team exclude the possibility of political status for prisoners?

The Minister of Justice: I thank Mr McNarry for the first part of his question. I am unsure whether I am in a position to confirm that the final report will contain anything, but, when looking at the terms of reference of the review

team, I see no likelihood that there would be what he described as “political status”.

Mr McNarry referred to the comment about the attitudes of certain staff members, which will undoubtedly attract wider attention in the media. However, the report also refers to staff who are doing good work in all three institutions and at headquarters. I have seen the positive work that is done by those who are keen to engage to help reform the service and those who have done their duty in the past and now wish to leave. We must recognise that there are two sides to this. We must put a scheme in place that allows those who wish to leave to do so with dignity, and, equally importantly, we must also provide those who wish to remain with the skills, training and opportunities to deliver in the future.

Mr A Maginness: I thank the Minister for his detailed statement to the House on the Owers interim report, and I welcome the manner in which the Minister indicated his support for that report. However, this is one of at least 20 reports. Will the Minister reassure the House that, as Minister, he will commit to the full implementation of the final report, which is predicated on the need to emphasise the rehabilitation and resettlement of prisoners and reduce the present commitment to a security culture in the Prison Service?

The Minister of Justice: I thank Mr Maginness for his extremely supportive words. At this stage, I cannot commit to the full implementation of every paragraph and sentence in a final report that I have not seen. However, the Department of Justice is committed to the basic principles alluded to in the interim report. The Member highlighted the rehabilitation and resettlement of prisoners and the movement from a purely security culture in our prisons, and those are all key issues that the Department is committed to addressing. I hope that he will accept an assurance that we are 100% in agreement with those general principles, even if I cannot commit to every comma and semi-colon.

Dr Farry: I also welcome the statement and the interim report. It is important that we learn the lessons of other experiences. Will the Minister confirm to the House that the rehabilitation of prisoners is a win-win for society? It produces a safer society through less offending on our streets and reduces costs, which is particularly important given the very tight Budget settlement

we are all under, including the Department of Justice.

The Minister of Justice: I thank my colleague for that helpful point. The successes achieved in youth justice in recent years were done in a way that reduced the overall cost to society while making it safer. There is no doubt that we need similar creative thinking in dealing with adult offenders. That was pointed out by the Owers team, and the Prison Service, the wider Department and the other agencies with which we will have to engage in partnership must learn those lessons and apply them.

Mr Givan: I welcome the fact that the authors of the report recognised that 29 prison officers lost their life during the Troubles. Obviously, the system that was built up in our prison establishments was a result of the terrorist campaign and the need for a strong security focus.

12.30 pm

The interim report makes for challenging reading for some, citing as it does the

“absence of visible leadership and oversight”,

and the need for “effective leadership and operational management.” That will present particular challenges for those at Prison Service headquarters. Does the Minister believe that the necessary resources will be made available? Does the cross-cutting nature of this report and, ultimately, acceptance of a final report require Executive approval?

At this point, I sound a warning. In the paragraph dealing with separated prisoners on page 14 of the report, the sentence that refers to the need for a “less restrictive regime” causes my party alarm and concern. The line in the sand that we were told was drawn as result of the last agreement has already started to become blurred, so we will be putting down a marker that we cannot move any further.

The Minister of Justice: I thank Mr Givan for his comments. He referred to the 29 lost lives. I have paid tribute on a number of occasions to those who paid the ultimate penalty for their service to the Prison Service in times past, whether they were uniformed or non-uniformed employees, and I happily repeat that tribute again today.

The other issues that the Member highlighted are crucial. He mentioned leadership and

management in the service. We have a new opportunity — a new staff team led by a new director general — to ensure that we take the lessons that can be learned from the report and apply them. As far as resources are concerned, budgetary arrangements in the draft budget proposals that my Department submitted will ensure that, through what will be an equivalent of the wider Executive’s Invest to Save proposals, we will have the opportunity to invest in the early years of the comprehensive spending review (CSR) period to make savings in later years. However, that depends on ensuring that we get the arrangements made and put in place reasonably speedily.

I am not sure what matters in the report may require Executive approval. However, I have already highlighted in the Chamber the need to ensure that we get the widest possible partnership and consensus anyway as we seek to make reforms around criminal justice.

The Member may have misread the references to a less restrictive regime for those who are currently separated prisoners. The arrangements that have been in place since August 2010 seek to ensure a more normal arrangement for those in the separated regime and to ensure that we can get away from some of the particular difficulties that apply in Roe House and Bush House. The process is ongoing, and I receive regular reports from those whom I set up to advise me of progress. It has to be addressed in a way that ensures that we help produce a more normal situation for the Prison Service as whole.

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement and the review team for its interim report. Numerous references have been made to the various reports on the Prison Service thus far. Will the Minister assure us that the costed action plan that the director general is preparing will provide more details on facilities for women? Will the current review into the youth justice system also be reflected in the detail of the final report? Will the Justice Committee be provided with regular updates on both issues?

I refer to the comments that the Minister made to my party colleague Raymond McCartney. The Minister and his Department will certainly have our support, but only when he begins to tackle those issues. As the Minister pointed out in his

statement, justice is now a devolved issue. The days of the NIO are well gone.

The Minister of Justice: I thank the Member for that offer of support. I must confess that I thought that the Department of Justice had already begun to tackle those issues, although we may not have made the progress for which some Members will have hoped.

The interim report refers specifically to the issues of women offenders and young offenders. It also refers to the cross-cutting issue of the review of the youth justice system, and those issues will be kept in train as we look forward. The Member also asked about keeping the Committee updated on progress. Again, the review team refers to the need for external validation of work being done, and clearly there will be an issue there for Criminal Justice Inspection Northern Ireland (CJINI). It will, I suspect, also be an issue that the Committee will be taking considerable interest in future years. However, the precise details of what we are seeking to do with women and young people are not contained in the interim report. Those matters will have to be considered in the coming months.

Lord Browne: I thank the Minister for his statement on the much welcome interim report. The report makes reference to the validity of the performance management system in the Prison Service and states that there are currently 28 action plans in place, none of which is being properly managed or assessed, and in which officers appear to have very little or no confidence. Does the Minister agree that the shambles of performance management in the Prison Service needs to be urgently addressed?

The Minister of Justice: I thank Lord Browne for his supportive comments. I am not sure that I entirely agree that performance management is a shambles. I agree with his basic point that it is not helpful that an excessive number of performance indicators and a variety of different reports have put matters at times almost in conflict and sometimes in repetition. That is why the current work on the strategic efficiency and effectiveness programme, in conjunction with the implementation of this report, and the full report when we see it in the summertime, will provide a much sharper focus on the need to address the key issues, rather than adopting a tick-box culture on many minor issues.

Mr McDevitt: I, too, welcome the report, particularly the identification of fundamental problems on page 11:

“One is the absence of effective leadership and operational management. The other is culture — both the security-led culture among prison staff... and a culture of denial and compromise within the service as a whole.”

I ask the Minister whether he agrees that there is another problem, which is the great imbalance in staffing levels at community level, particularly among prison staff. In committing himself to continue the work to bring about the fundamental change that is required, will he also make a commitment to this House that he will address that important issue so that we can have a post-conflict Prison Service for a post-conflict North?

The Minister of Justice: I thank Mr McDevitt for his supportive comments. He quoted accurately from further down page 11, but the page is headed “Vision and values”. We should ensure that we do not just take the negatives, but recognise the positives.

On the specific issue of what he describes as “imbalance” at community level, there is no doubt that, for historical reasons, there has been an imbalance in the staffing of the Prison Service. Of those who have been recruited to the operational support grades in recent years, the balance has been much closer to that of the outside community.

I will certainly not commit to going down any route of the sort that was followed by the Police Service. That would now be perceived as illegal. I am committed to ensuring that we have appropriate affirmative action programmes in staff recruitment and continuing appropriate diversity training among those already in post to ensure that we meet the needs of the entire community in a representative way.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas inniu.

Thank you for your statement, Minister. Sinn Féin welcomes the emphasis on a more effective system that has rehabilitation as one of its core aims, as opposed to blanket security. When will the report be completed, and when will the Minister bring it to the House so that real work can begin in implementing it?

The Minister of Justice: I thank Mr Sheehan for the question. The expectation is that the final report will be produced by the summer, and I will certainly report to the House at that stage. When we talk about getting work under way, the Prison Service or the Department of Justice will not sit and wait from February to June before they do anything. We already have a clear line of travel, if not the detail, from the interim report. There was already preparatory work under way to set in place the building blocks of the strategic efficiency and effectiveness programme.

Once we see the final report, we will be in a position to make extremely rapid progress. It will certainly not be a matter of waiting to see the final report and then taking months to consider it. The financial urgency, as well as the urgency of dealing fairly with staff and improving conditions in all three prisons, requires that we now ensure that, to use that dreadful euphemism, we can hit the ground running as soon as the final report is prepared.

Mr Buchanan: I thank the Minister for his statement. I welcome the prison review team's interim report, which provides some key milestones and makes some important recommendations. Does the Minister agree that fast and effective delivery is vital if public confidence in the Prison Service is to be restored? Can he assure the House that any proposed rehabilitation strategy will not give the public cause for concern that we are beginning to go soft on criminals?

The Minister of Justice: I thank Mr Buchanan for his comments. I agree that fast and effective delivery is absolutely vital if we are to make the necessary reforms within the necessary timescale. However, we need to be very careful when we talk about rehabilitation. The most effective way in which we protect society from crime is by reducing the reoffending rate, and not by suggesting that, somehow, going back to the old-fashioned notions of locking people up and throwing away the key will make society safer when those people come out of prison.

We need to ensure that we maintain the appropriate level of security in the prisons, but we must also ensure that we use the opportunity, while people are in prison, to make them better citizens when they come out and to reduce the risk of reoffending. I have already highlighted the fact that we have seen some significant

successes in the youth justice system in reducing reoffending. We have an extremely effective probation service. We need to ensure that we learn the lessons from those agencies and apply them in the Prison Service as well.

Mr Dallat: The Minister referred to the good work that is being done in the Foyleview unit of Magilligan Prison. I want to endorse that and send my good wishes to the staff of that unit. The Minister is, of course, aware that 68% of the inmates have serious literacy and numeracy problems. He may also remember that, in a recent written answer, he told me that the amount of money spent on leisure and recreation had doubled, while the amount of money spent on education had halved. There was no reference to education in the Minister's statement. Can he assure the House that the focus in the future will be on giving those people a second chance, so that when they leave the prison, they will, at least, be equipped with basic skills in literacy and numeracy, and will, therefore, be less likely to reoffend?

The Minister of Justice: I thank Mr Dallat for those supportive comments. He highlighted the issue of literacy and numeracy; we should, of course, also highlight issues such as mental health and personality disorders, which are prevalent in the prison population. It is unfortunate that, sometimes, staffing arrangements mean that when there are staffing shortages, areas like education or training get cut back in the interests of maintaining the security of the prison. Clearly, those kinds of issues need to be addressed if we are to ensure that people get their full rehabilitation programmes, whether in education, industrial training or meeting their health needs.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister agree that it would be totally irresponsible of this Administration, or, indeed, the next Administration, to ignore yet another report on our prison system? This interim report and the future report look at an overall shake-up of the prison system which, if it is achieved, should be delivering justice and the rehabilitation of prisoners. That is not about going soft on prisoners; it is about ensuring that we rehabilitate people back into society. We must ensure that we do not waste tens of millions of valuable pounds on a prison system that is ineffective and inefficient.

The Minister of Justice: Mr O'Dowd highlights the issue of the current excessive cost for what is not a terribly effective prison system. We need to ensure that we build on the interim report. I agree entirely with Mr O'Dowd that it would be irresponsible to ignore the report. However, let us be absolutely clear: the Prison Service is not ignoring the report, nor is the Department of Justice. Nevertheless, there are wider issues that need to be addressed and which require the support of the Assembly as a whole, the Justice Committee and the Executive Committee. That is the plea that I have to make today in order to ensure that we all, collectively, learn the lessons and address the issues in a way that builds on what is a very positive report as it signposts the way ahead.

Mr McCarthy: I thank the Minister for his statement. I commend him for his work to date, which has been positive in bringing Northern Ireland up to date with a modern justice system. Does the Minister agree with the review team that the kind of reform of the Prison Service that is required will need broad political backing?

Does the Minister agree that such backing will have to come from all the parties in the Assembly?

12.45 pm

The Minister of Justice: I thank my colleague for the commendation. I am sure that those who have done the hard work in the Department of Justice over the last 11 months will appreciate his warm comments, and I will ensure that those are passed on.

In answering Mr O'Dowd's question, I referred to the need to ensure that we build adequate partnerships. Mr McCarthy is right that we need to ensure full backing for reforms across the Assembly. However, we also need to ensure full backing for those reforms across the wider society by working — as the Department already does — with a range of NGOs and a variety of other agencies and ensuring that we get the maximum possible consensus on how to make society safer. This is an issue that needs to be addressed in a serious and hard-nosed way, not one of simple, cheap populism.

North/South Ministerial Council: Tourism

Mr Deputy Speaker: I have received notice from the Minister of Enterprise, Trade and Investment that she wishes to make a statement to the House.

The Minister of Enterprise, Trade and Investment (Mrs Foster): With your permission, Mr Deputy Speaker, I wish to make a statement, in compliance with section 52 of the Northern Ireland Act 1998, regarding a meeting of the North/South Ministerial Council (NSMC) in tourism sectoral format. The meeting was held in Armagh on 3 February 2011. Junior Minister Gerry Kelly MLA and I represented the Northern Ireland Executive. The Irish Government were represented by Mary Hanafin, the then Minister for Tourism, Culture and Sport and Minister for Enterprise, Trade and Innovation. The statement has been agreed with junior Minister Kelly, and I make it on behalf of us both.

The Council received a report from the chairperson of Tourism Ireland, Mr Hugh Friel, on the body's achievements against the five goals that it had set for 2010 and on the continued difficult global conditions, which had a negative impact on tourism performance in 2010.

The Council also received a presentation from the CEO of Tourism Ireland, Mr Niall Gibbons, on market performance in 2010 and prospects for 2011. The Council noted Tourism Ireland's draft corporate plan for 2011-13. Among the key priorities for that period are a return to growth in visitor numbers from all major overseas markets; growing revenue, visitors and promotable numbers to Northern Ireland; a return to growth from the GB market following a refocusing of marketing activities to reinforce our distinctive holiday experience; and significant investment in e-business to ensure that Tourism Ireland's online presence is strengthened in line with consumer trends.

The Council also noted Tourism Ireland's business plan for 2011. The plan aims to return to growth in overseas visitors from all markets. It has targeted increases of up to 4% in overseas visitor numbers and 7.4% in associated revenue. Particular focus will be placed on the GB market, which remains the most important overseas tourist market.

The Council noted the resignation of Moira McNamara from the board of Tourism Ireland

Limited and approved the appointment of Maurice Pratt in place of Ms McNamara. Mr Pratt previously held senior positions in a number of Irish companies and is a past president of the Irish Business and Employers Confederation. In December 2008, he was appointed chairperson of the tourism renewal group charged with reviewing and renewing the Irish tourism strategy. In 2010, he chaired Tourism Ireland's Great Britain steering group, which was established to develop a strategy to return that market to growth from 2011. The Council expressed its thanks for the contribution that Ms McNamara made to the work of the board.

The Council agreed to meet again in tourism sectoral format in summer 2011.

The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness): I

thank the Minister for her report. I note that Tourism Ireland's draft corporate plan for the next number of years, which was presented by the chief executive, placed considerable emphasis on increasing the number of visitors to our shores, particularly those from Britain. That, of course, is right and proper. I think that everyone in the House would support increased visitor numbers from Britain to the island of Ireland and, in particular, Northern Ireland. Did the chief executive or other officials give an indication of how the target for a 4% increase in overseas visitor numbers might be achieved, given the continued recession, not just here but in Britain and other parts of the world?

The Minister of Enterprise, Trade and

Investment: I thank the Chairperson for his comments and question. Based on projections from Tourism Economics, which I think provides the evidence base, we are aiming for around a 4-4% growth in visitor numbers. As the Member can imagine, there is no doubt that that will be a challenging target to meet. However, we are determined not to talk down the tourism industry and to do our best by working with industry partners to try to bring as many visitors as possible, principally from the GB market, to Northern Ireland. I think that around 70% of our visitors come from the GB market, so it is a hugely important one for us. We intend to market Northern Ireland very strongly and, as far as we are concerned, that will be the key to increasing visitor numbers. This Friday, representatives from Tourism Ireland and I will be in London to do just that in order to try to get more people to come to Northern Ireland.

The Member will also be aware that we have some very good product coming online, such as the 2012 initiatives in and around the Giant's Causeway and the Titanic signature project, and all the events happening in the north-west in conjunction with the UK City of Culture. I was particularly delighted to read recently that the Turner Prize is coming to the city of Londonderry, as it will be first time that the event has actually left Great Britain. That is a tremendous homage to what is going on in the tourism industry here and particularly in the north-west. I very much look forward to supporting all those events.

Marketing is key for us, and we must continue to do that. Tourism Ireland — and the Member will know that I have always advocated this — needs to work in conjunction with, in particular, the Northern Ireland Tourist Board and the industry, so that we get the maximum for our money.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her statement. She mentioned Tourism Ireland's draft corporate plan for 2011-13 and alluded to the Titanic Quarter. Does she think that events such as the anniversary of the Titanic will go some way to invigorating the tourism industry here and will be a platform on which to build?

The Minister of Enterprise, Trade and

Investment: I do, absolutely. In conversations with the chief executive of Tourism Ireland, I have said that I very much want to see Northern Ireland getting the benefit that events such as the anniversary of the launch of the Titanic bring to Belfast and, indeed, to Northern Ireland more widely. Some very significant events are coming up in the next two to three years, and it will be a very exciting time for the next Minister of Enterprise, Trade and Investment. We should make the most of those two years and ensure that we get the greatest benefit from them.

Mr Cree: I also thank the Minister for her statement. In the Department's tourism strategy to 2020, the anticipated medium-term performance to 2013 is a 10% growth in visitors from Great Britain. Will the Minister provide some more information on how Tourism Ireland plans to refocus its marketing activities to achieve those figures?

The Minister of Enterprise, Trade and

Investment: As I indicated to the Chairperson of the Committee, marketing will increase those figures, and we are taking a couple of different routes to do so. In addition to the big marketing

campaigns, which we will still continue to do, we will target lower level areas of marketing. For St Patrick's Day, for example, we are taking some industry across to Scotland to forge some links at a very low level. I think that we will be going to some supermarkets and shopping malls to say to people there that Northern Ireland has a very good offering and to try link in with Scottish people in a very meaningful way in order to get them to come to Northern Ireland. As I said, we will do all of the big marketing campaigns and target other campaigns at lower levels so that we can get the maximum amount out of them.

Mr Neeson: The Minister referred to the importance of 2012-13. I remind her that, in 2013, the World Police and Fire Games will be held in Northern Ireland.

The Minister knows about my interest in maritime heritage. I remind her that we have the Titanic anniversary and that work has already started on the restoration of the SS Nomadic. What effort is being made to promote the SS Nomadic as part of the tourism attractions?

The Minister of Enterprise, Trade and

Investment: I was delighted to hear about the work on the SS Nomadic, which will give a wider picture of the Titanic. There is no point talking only about the Titanic signature building; that is not what the whole project is about. The project is about the entire experience of what it was like to work in the shipyard at that time and about those people who were unfortunate enough — I was going to say fortunate enough — to be on the Titanic. Therefore, we also need to look at the smaller vessels. The SS Nomadic will very much be a part of that.

The Titanic anniversary will be a significant event for us in Northern Ireland, but the Member is absolutely right that quite a few other events are happening in 2012-13, not least the World Police and Fire Games. Those games are, I understand, on a par with the Commonwealth Games and will, therefore, bring a lot of new visitors into Northern Ireland for the first time. I want to ensure that the industry is ready for that when it comes to accommodation, the product that we have to offer and the opportunities for people to spend money when they come here. Our target for 2020 is not only to increase the number of visitors but to increase the number of opportunities for people and the amount of spend when they are here. Compared with the rest of the UK and the Republic of Ireland,

tourism spend is lowest here. We need to find ways to extract money from people when they visit us in Northern Ireland.

Ms M Anderson: Go raibh míle maith agat.

I thank the Minister for her statement. In her response to a Member's question, she mentioned the Turner Prize coming to the city of Derry and her support for that event and the City of Culture. The city will welcome her saying that, given that there is some concern around it being allocated the City of Culture.

At the meeting, the Minister noted the draft corporate plan, and her statement mentions the growing number of visitors to the North. Has any consideration been given to the all-Ireland Fleadh Cheoil, a festival of music and song that attracts thousands of people from not only from beyond the island but from Europe and elsewhere?

The Minister of Enterprise, Trade and

Investment: We take on board any event that brings visitors into Northern Ireland. I want to ensure that we make it as easy as possible for visitors to come to Northern Ireland. Recently, we have seen the number of visitors who have come, for example, from the Republic of Ireland. In many ways, that has helped to offset the fall in the number of visitors from GB. However, I want all those visitor numbers to increase again, particularly from the GB market, which is why I mentioned the Scottish initiative. The links with our friends, colleagues and, indeed, family across the British Isles should be strengthened so that we can get the maximum output from them.

Mr Campbell: I thank the Minister for her statement. She talked about the extent of growth that she expects and hopes to see over the next few years. I hope that she accepts that the north coast is the jewel in the tourism crown of Northern Ireland and that everything should be done to try to promote that. Will she ensure that officials in her Department take all the positive steps that they can to assist with the huge investment that is going into the general Portrush area through the master plan and other projects so that that can be taken to a further level?

The Minister of Enterprise, Trade and

Investment: I thank the Member for his question. I was very encouraged that the master plan is now proceeding. Some years ago, Portrush was vital to our tourism product, and I very much want to see it back up there, especially given its

links to some of Northern Ireland's most famous golfers.

I had the pleasure of being in the Member's constituency at the weekend and sampled some of the tourism product that is on offer in East Londonderry.

There is some very good product, but we need more. We must invest in the north-west and right across the coastline.

1.00 pm

I was up with the Causeway Coast and Glens Tourism partnership on Thursday of last week and was very pleased to be part of the opening of the very first Économusée in Ballymena, where an artisan workshop has been set up for a young woman, Marion Woodburn, who makes jewellery. It is a very innovative piece of cultural tourism, and she has led the way not just in Northern Ireland; it is the first Économusée in the United Kingdom. I was delighted to be part of that. I hope to see other artisans taking similar steps to really get the benefit out of their beautiful products.

Mr O'Loan: I thank the Minister for her statement and for what she is doing in the area. In discussing the tourism product, she initially referred primarily to the major projects, but she has elaborated somewhat since. The major projects are very important, but they are not the whole picture. What is there in her Department's tourism product proposals and marketing from Tourism Ireland that will definitely benefit local areas? I think of places such as Ballycastle, Cushendall and Cushendun in my constituency.

The Minister of Enterprise, Trade and

Investment: As I indicated, he should be very proud of the fact that that Économusée is in his constituency. It is the very first of its type in the United Kingdom, but it has a lot of contacts in Quebec and northern Europe. There is a network of artisans, and I am told that people will travel to each of those Économusées. I hope that that area sees the benefit of that.

As well as the major projects to which the Member referred, we will target rural holidays. A rural holidays campaign will be in our new communications campaign. We also hope to develop the coach business in Northern Ireland through investment with key Great Britain partners and work with targeted operators to drive short-break business into Belfast and

across Northern Ireland. We will also do that with sea carriers, so that people do not just see the big events but go out into the countryside as well. The regional tourism partners will be key to working with the Tourist Board and Tourism Ireland in delivering those things. They need to let us know about their product in their particular areas so that we can sell it to the coach operators. Those are the sorts of things that we hope to develop right across Northern Ireland.

Executive Committee Business

Civil Registration Bill: Consideration Stage

Mr Deputy Speaker: I call on the Minister of Finance and Personnel to move the Consideration Stage of the Civil Registration Bill.

Moved. — [The Minister of Finance and Personnel (Mr S Wilson).]

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 the provisional grouping of amendments selected list.

There are three groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 4 and 12 to 14, which deal with the removal of the requirement for attendance at registration offices, together with technical amendments. The second debate will be on amendment Nos 5 to 8, which deal with conditions to be set by the Registrar General to ensure no improper use of data. The third group for debate will be amendment Nos 9, 10, 11 and 15, which deal with the register of presumed deaths.

Once the debate on each group is completed, any further amendments in that group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. I remind Members to address all the amendments in the group to which they wish to speak. The Question on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clauses 1 to 5 ordered to stand part of the Bill.

Mr Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 3, 4, 12, 13 and 14. The amendments in group 1 deal with the removal of the need for attendance at registration offices and technical amendments to the Bill. I call the Minister to move amendment No 1 and to address the other amendments in the group.

Clause 6 (Registration of still-births where parents not married)

The Minister of Finance and Personnel

(Mr S Wilson): I beg to move amendment No 1: In page 3, line 6, for “(parents” substitute “(child who has a father and whose parents were”.

The following amendments stood on the Marshalled List:

No 2: After clause 7, insert the following new clause:

“Declarations of parentage

Re-registration of births after declaration of parentage

7A. *In Article 19A of the 1976 Order (re-registration of birth after declaration of parentage), in paragraph (2) (re-registration to be effected in prescribed manner and at such place as may be prescribed), the words ‘and at such place as may be prescribed’ shall cease to have effect.” — [The Minister of Finance and Personnel (Mr S Wilson).]*

No 3: In clause 9, page 4, line 6, leave out “as follows” and insert

“in accordance with subsections (2) and (3)”. — [The Minister of Finance and Personnel (Mr S Wilson).]

No 4: In clause 9, page 4, line 13, at end insert

“() In Article 26 of the 1976 Order (informant’s position following an inquest), paragraph (a) (person not liable to attend registrar upon a notice issued by registrar) shall cease to have effect.” — [The Minister of Finance and Personnel (Mr S Wilson).]

No 12: In clause 26, page 11, line 20, at end insert

“(2) In this section ‘prescribed’ means prescribed by order made under Article 47 of the 1976 Order.” — [The Minister of Finance and Personnel (Mr S Wilson).]

No 13: In schedule 2, page 14, line 10, at end insert

“In Article 19A(2), the words ‘and at such place as may be prescribed’.” — [The Minister of Finance and Personnel (Mr S Wilson).]

No 14: In schedule 2, page 14, line 13, at end insert

“Article 26(a).” — [The Minister of Finance and Personnel (Mr S Wilson).]

The Minister of Finance and Personnel: In explaining amendment No 1, I will also deal with amendment Nos 2, 3, 4, 12, 13 and 14, which are grouped together. Amendment Nos 1 and 12 are technical amendments to the Bill. Amendment No 1 substitutes the words: “child who has a father and whose parents were”

for the word “parents”. The powers in clause 6 will enable an unmarried father of a stillborn child to register the stillbirth of his child without the mother being present. The subsequent amendment to the clause is required as a result of the Human Fertilisation and Embryology Act 2008, which amended article 18 of the Births and Deaths Registration (Northern Ireland) Order 1976, after the Bill was introduced. The purpose of amendment No1 is to amend clause 6 to take into account the amendment made to the 1976 Order. It does not represent any change in the effect of the Bill.

Amendment No 12 is also a technical amendment. It amends clause 26 of the Bill to define the term “prescribed” in the context of the 1976 Order. One of the aims of the Civil Registration Bill is to provide greater choice and more flexibility in the registration of life events, and that will be achieved at an appropriate point in the future by the provision of facilities for remote registration. The following amendments are all linked to the provision of remote registration and will ensure that the Bill is consistent regarding attendance at registration offices for the registering of births and deaths.

Amendment No 2 inserts a new clause in the Bill after clause 7. That will remove the requirement for attendance at the registration office by an informant for the re-registration of a birth following the production of a declaration of parentage.

Amendment Nos 3 and 4 are technical amendments to clause 9. They refer to the issue of a notice where a death has not been registered. Amendment No 3 to clause 9 removes “as follows” and inserts:

“in accordance with subsections (2) and (3)”.

That is a change in wording only, with no alteration at all to the meaning of the clause. Amendment No 4 to clause 9 of the Bill removes any reference to the attendance at a registration office and will bring the clause into line with other areas of the Bill.

Amendment No 13 is consequential to amendment No 2 and inserts a repeal into schedule 2. Amendment No 14 is consequential to amendment No 4 and inserts a repeal into schedule 2 of the Bill in relation to article 26(a) of the 1976 Order.

Mr Deputy Speaker: Before we move to the next Member, I ask Members to make sure that their mobile phones are switched off because they are interfering with the broadcast system.

The Chairperson of the Committee for Finance and Personnel (Mr McKay): Go raibh maith agat, a LeasCheann Comhairle. In addressing the group 1 amendments, I will first refer briefly to the Bill's Committee Stage.

In response to its call for evidence, the Committee received written submissions from the British Government's Foreign and Commonwealth Office, the Council of Irish Genealogical Organisations and the Association of Professional Genealogists in Ireland. The Committee subsequently took oral evidence from the latter two organisations.

The Committee made a detailed analysis of the issues arising from the evidence and sought responses from the Department of Finance and Personnel (DFP) to each of the concerns or proposals raised by witnesses and to additional queries that the Committee itself raised. The Department provided a series of follow-up written responses in addition to the oral briefing, and the Committee was generally satisfied that the main concerns had been addressed. The Committee reported on 18 March 2009. The Department of Finance and Personnel notified the Committee in writing of the proposed amendments in November 2010 and provided an oral briefing on 16 February 2011 in advance of today's Consideration Stage.

As the Minister has already outlined, the amendments are mostly of a technical nature or relate specifically to amendments that are now required to the Presumption of Death Act 2009, which the Committee also scrutinised in detail during its passage. During the evidence session on 16 February, members raised a number of queries. At last week's meeting, we considered written clarification on one outstanding issue. Having received that clarification, the Committee is content to support not only the Bill but the amendments that the Minister has brought forward today.

Mr O'Loan: I rise simply to give my support to the Bill and to this group of amendments. While it may slightly out of order, I will say that I support all the other amendments that are going to be proposed.

The Minister of Finance and Personnel: It will be a fairly easy task to wind up this debate, Mr Deputy Speaker. I thank the Committee for the work that has been done on what is probably a fairly technical piece of legislation. As the Chairman has pointed out, many of the amendments are technical amendments, and there is nothing controversial about them.

The whole idea is to make the registration of important life events — births and deaths — easier and to bring the legislation into line with what many of the public now expect as a reasonable way of dealing with these issues through means other than having to present themselves at a register office. There will be potential to do these things online and whatnot as a result of the Bill. However, the changes were required to at least give people those facilities, because up until now there had always been a need for people to present themselves at a register office.

I thank the two Members who have given their support to the amendments and ask the House to accept them.

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

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

New Clause

Amendment No 2 made: After clause 7, insert the following new clause:

“Declarations of parentage

Re-registration of births after declaration of parentage

7A. *In Article 19A of the 1976 Order (re-registration of birth after declaration of parentage), in paragraph (2) (re-registration to be effected in prescribed manner and at such place as may be prescribed), the words ‘and at such place as may be prescribed’ shall cease to have effect.” — [The Minister of Finance and Personnel (Mr S Wilson).]*

New clause ordered to stand part of the Bill.

Clause 8 ordered to stand part of the Bill.

Clause 9 (Issue of notice for information concerning deaths)

Amendment No 3 made: In page 4, line 6, leave out “as follows” and insert

“in accordance with subsections (2) and (3)”. — [The Minister of Finance and Personnel (Mr S Wilson).]

Amendment No 4 made: In page 4, line 13, at end insert

“() In Article 26 of the 1976 Order (informant’s position following an inquest), paragraph (a) (person not liable to attend registrar upon a notice issued by registrar) shall cease to have effect.” — [The Minister of Finance and Personnel (Mr S Wilson).]

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

Clauses 10 to 14 ordered to stand part of the Bill.

1.15 pm

Mr Deputy Speaker: We come to the second group of amendments for debate. With amendment No 5, it will be convenient to debate amendment Nos 6, 7 and 8. The amendments relate to the Registrar General setting conditions to ensure that there is no improper use of data.

Clause 15 (Registration or alteration of child’s name)

The Minister of Finance and Personnel: I beg to move amendment No 5: In page 6, line 37, at end insert

“() Any notification under paragraph (4A) shall be subject to such conditions as the Registrar General considers appropriate.” — [The Minister of Finance and Personnel (Mr S Wilson).]

The following amendments stood on the Marshalled List:

No 6: In clause 18, page 7, line 26, at end insert

“() Any notification under paragraph (1) shall be subject to such conditions as the Registrar General considers appropriate.” — [The Minister of Finance and Personnel (Mr S Wilson).]

No 7: In clause 23, page 9, line 29, at end insert

“() Any notification under paragraph (1) shall be subject to such conditions as the Registrar General

considers appropriate.” — [The Minister of Finance and Personnel (Mr S Wilson).]

No 8: In clause 23, page 10, line 2, at end insert

“() Any notification under subsection (1) shall be subject to such conditions as the Registrar General considers appropriate.” — [The Minister of Finance and Personnel (Mr S Wilson).]

The Minister of Finance and Personnel: As well as speaking to amendment No 5, I will speak to amendment Nos 6, 7 and 8, as they also relate to the notification of registration information. The powers in clauses 15, 18 and 23 of the Civil Registration Bill will enable the General Register Office to share registration information with other Departments and appropriate persons. As a further safeguard, my officials have concluded that an amendment to those powers is appropriate to enable the Registrar General to set conditions as he may determine for the use of the registration information that is released, to ensure that no improper use or sharing of the data is permitted.

The amendments insert two new subsections into a number of clauses. Amendment No 5 inserts a new subsection into clause 15 in relation to the release of name change information and amendment No 6 inserts a new subsection into clause 18 in relation to the release of registration information for births and deaths. The insertion of new subsections into clause 23, through amendment Nos 7 and 8, will enable the same conditions to be applied to marriage and civil partnership registration information.

The practical effect of the amendments will be that, if registration information is released to other Departments and appropriate persons in relation to births, deaths, marriages, civil partnerships and name changes, the Registrar General will have the power to impose restrictions on how the data can be used and with whom it can be shared.

Question, That amendment No 5 be made, put and agreed to.

Clause 15, as amended, ordered to stand part of the Bill.

Clauses 16 and 17 ordered to stand part of the Bill.

Clause 18 (Notification of births and deaths)

Amendment No 6 made: In page 7, line 26, at end insert

“() Any notification under paragraph (1) shall be subject to such conditions as the Registrar General considers appropriate.” — [The Minister of Finance and Personnel (Mr S Wilson).]

Clause 18, as amended, ordered to stand part of the Bill.

Clauses 19 to 22 ordered to stand part of the Bill.

Clause 23 (Notification of registration of marriages and civil partnerships)

Amendment No 7 made: In page 9, line 29, at end insert

“() Any notification under paragraph (1) shall be subject to such conditions as the Registrar General considers appropriate.” — [The Minister of Finance and Personnel (Mr S Wilson).]

Amendment No 8 made: In page 10, line 2, at end insert

“() Any notification under subsection (1) shall be subject to such conditions as the Registrar General considers appropriate.” — [The Minister of Finance and Personnel (Mr S Wilson).]

Clause 23, as amended, ordered to stand part of the Bill.

Clauses 24 and 25 ordered to stand part of the Bill.

Mr Deputy Speaker: We now come to the third group of amendments for debate. With amendment No 9, it will be convenient to debate amendment Nos 10, 11 and 15. The amendments relate to the register of presumed deaths. I call the Minister to move amendment No 9 and address the other amendments in the group.

New Clause

The Minister of Finance and Personnel: I beg to move amendment No 9: After clause 25, insert the following new clause:

“Notification of entry in Register of Presumed Deaths

25A. *In paragraph 1 of Schedule 1 to the Presumption of Death Act (Northern Ireland) 2009 (entries in Register of Presumed Deaths), after sub-paragraph (2) there shall be added the following sub-paragraphs—*

‘(3) The Registrar General may notify such persons as the Registrar General considers appropriate that an entry has been made in the Register of Presumed Deaths.

(4) Any notification under sub-paragraph (3) shall be subject to such conditions as the Registrar General considers appropriate.’.”

The following amendments stood on the Marshalled List:

No 10: After clause 25, insert the following new clause:

“Access to information in the Register of Presumed Deaths

25B.—(1) Schedule 1 to the Presumption of Death Act (Northern Ireland) 2009 (Register of Presumed Deaths) shall be amended in accordance with subsections (2) and (3).

(2) After paragraph 3 (searches of indexes and examination of entries) there shall be inserted the following—

‘Access to information

3A.—(1) Regulations made by the Department may make provision for any person to have access on payment of the prescribed fee to any information contained in the Register of Presumed Deaths.

(2) In sub-paragraph (1) “the prescribed fee” means the fee of such amount as may be prescribed by order made by the Department under paragraph 7(1).

(3) Regulations under sub-paragraph (1) may provide that the relevant period must have expired in relation to the information.

(4) In sub-paragraph (3) “the relevant period” means, in relation to information relating to a presumed death, the period of 50 years from the presumed date of death or such other period as may be prescribed.

(5) Regulations under sub-paragraph (1) may provide for the Registrar General—

(a) to make arrangements with any person for the purpose of providing access to information as mentioned in that sub-paragraph; and

(b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).

(6) This paragraph is without prejudice to paragraph 3.’.

(3) In paragraph 7 (fees), in sub-paragraph (1), after head (b) there shall be inserted the following head—

‘(bb) access to any information under paragraph 3A.’.

(4) In consequence of subsection (2), in the definition of ‘prescribed’ in section 17 (interpretation) of

that Act, for the word ‘paragraph’ there shall be substituted the words ‘paragraphs 3A(1) and (2) and’.” — [The Minister of Finance and Personnel (Mr S Wilson).]

No 11: After clause 25, insert the following new clause:

“Correction of errors in the Register of Presumed Deaths

25C. In paragraph 4(1) of Schedule 1 to the Presumption of Death Act (Northern Ireland) 2009 (correction, etc. of Register of Presumed Deaths), for the words ‘any clerical error or any error of fact or substance’ there shall be substituted the words ‘an error’.” — [The Minister of Finance and Personnel (Mr S Wilson).]

No 15: In the long title, after “1976” insert

“and the Presumption of Death Act (Northern Ireland) 2009”. — [The Minister of Finance and Personnel (Mr S Wilson).]

The Minister of Finance and Personnel: As a result of the Presumption of Death Act (Northern Ireland) 2009, it will be necessary to include additional provisions in the Civil Registration Bill to ensure that the new register of presumed deaths operates consistently with other registers of vital events. The amendments relate to access to information in the register of presumed deaths, notification of presumed deaths and the correction of errors in the register.

Clause 18 of the Civil Registration Bill makes provision for the notification of birth or death information to other Departments and appropriate persons and enables an informant to ask for a birth or death registration to be notified to other organisations. That has been subsequently amended as discussed previously under amendment No 6 to enable the Registrar General to impose conditions on the use of registered information released. In line with that process, amendment No 9 inserts a new clause into the Bill after clause 25, which will make provision of entries in the register of presumed deaths to be notified in a similar way to entries in the register of deaths.

Amendment No 10 inserts a new clause in relation to access to information contained in the register of presumed deaths. Under clause 13 of the Civil Registration Bill, it is intended that regulations will allow any person to access information about a death recorded in the register. The clause will also allow the Registrar General to enter into arrangements with other

appropriate persons to provide access to the information and to transfer information to ensure that access to registers is consistent. Amendment No 10 will allow the same process to be carried out for entries contained in the register of presumed deaths.

Amendment No 11 inserts a new clause in the Bill that makes provision for errors in the register of presumed deaths to be corrected in the same manner as set out for the register of deaths in the 1976 Order as amended by the Civil Registration Bill.

Amendment No 15 relates to the long title of the Bill. The long title is amended to include the amendments in relation to the Presumption of Death Act (Northern Ireland) 2009.

Question, That amendment No 9 be made, put and agreed to.

New clause ordered to stand part of the Bill.

New Clause

Amendment No 10 made: After clause 25, insert the following new clause:

“Access to information in the Register of Presumed Deaths

25B.—(1) *Schedule 1 to the Presumption of Death Act (Northern Ireland) 2009 (Register of Presumed Deaths) shall be amended in accordance with subsections (2) and (3).*

(2) *After paragraph 3 (searches of indexes and examination of entries) there shall be inserted the following—*

‘Access to information

3A.—(1) Regulations made by the Department may make provision for any person to have access on payment of the prescribed fee to any information contained in the Register of Presumed Deaths.

(2) *In sub-paragraph (1) “the prescribed fee” means the fee of such amount as may be prescribed by order made by the Department under paragraph 7(1).*

(3) *Regulations under sub-paragraph (1) may provide that the relevant period must have expired in relation to the information.*

(4) *In sub-paragraph (3) “the relevant period” means, in relation to information relating to a presumed death, the period of 50 years from the presumed date of death or such other period as may be prescribed.*

(5) Regulations under sub-paragraph (1) may provide for the Registrar General—

(a) to make arrangements with any person for the purpose of providing access to information as mentioned in that sub-paragraph; and

(b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).

(6) This paragraph is without prejudice to paragraph 3.’.

(3) In paragraph 7 (fees), in sub-paragraph (1), after head (b) there shall be inserted the following head—

‘(bb) access to any information under paragraph 3A.’.

(4) In consequence of subsection (2), in the definition of ‘prescribed’ in section 17 (interpretation) of that Act, for the word ‘paragraph’ there shall be substituted the words ‘paragraphs 3A(1) and (2) and’. — [The Minister of Finance and Personnel (Mr S Wilson).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 11 made: After clause 25, insert the following new clause:

“Correction of errors in the Register of Presumed Deaths

25C. *In paragraph 4(1) of Schedule 1 to the Presumption of Death Act (Northern Ireland) 2009 (correction, etc. of Register of Presumed Deaths), for the words ‘any clerical error or any error of fact or substance’ there shall be substituted the words ‘an error’.* — [The Minister of Finance and Personnel (Mr S Wilson).]

New clause ordered to stand part of the Bill.

Clause 26 (Commemorative documents)

Amendment No 12 made: In page 11, line 20, at end insert

“(2) In this section ‘prescribed’ means prescribed by order made under Article 47 of the 1976 Order.” — [The Minister of Finance and Personnel (Mr S Wilson).]

Clause 26, as amended, ordered to stand part of the Bill.

Clauses 27 to 31 ordered to stand part of the Bill.

Schedule 1 agreed to.

Schedule 2 (Repeals)

Amendment No 13 made: In page 14, line 10, at end insert

“In Article 19A(2), the words ‘and at such place as may be prescribed’.” — [The Minister of Finance and Personnel (Mr S Wilson).]

Amendment No 14 made: In page 14, line 13, at end insert

“Article 26(a).” — [The Minister of Finance and Personnel (Mr S Wilson).]

Schedule 2, as amended, agreed to.

Long Title

Amendment No 15 made: After “1976” insert

“and the Presumption of Death Act (Northern Ireland) 2009”. — [The Minister of Finance and Personnel (Mr S Wilson).]

Long title, as amended, agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Civil Registration Bill. The Bill stands referred to the Speaker. Members may take their ease for a couple of minutes.

Damages (Asbestos-related Conditions) Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of Finance and Personnel to move the Consideration Stage of the Damages (Asbestos-related Conditions) Bill.

The Minister of Finance and Personnel

(Mr S Wilson): This is not good for my health, Mr Deputy Speaker.

Moved. — [The Minister of Finance and Personnel (Mr S Wilson).]

Mr Deputy Speaker: As no amendments have been selected, I propose, by leave of the Assembly, to group the first two clauses for the Question on stand part, followed by the Question on clause 3 stand part, to which a number of Members have indicated that they wish to speak. I will then put the Question on clauses 4 and 5 stand part, followed by the long title.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3 (Limitation of actions)

Mr Deputy Speaker: No amendments have been tabled to clause 3. However, a number of Members have indicated that they wish to speak on the clause.

1.30 pm

The Chairperson of the Committee for Finance and Personnel (Mr McKay):

Go raibh mait agat, a LeasCheann Comhairle. In addressing the Question on stand part, I will refer briefly to the Committee's consideration of the Damages (Asbestos-related Conditions) Bill. Before I do so, I remind Members that prior to the Bill's Second Stage on 17 January 2011, the Committee agreed at its meeting on 12 January to maintain an open position on the principles of the Bill. Members are already aware of the unique situation in which the Committee found itself following the decision of the Assembly on 14 February 2011 not to grant an extension to the Committee Stage of the Bill. I remind Members that the Committee did not reach the decision to seek an extension lightly. It came to that conclusion having identified a number of gaps in its evidence base.

In light of the Assembly's decision on 14 February not to grant an extension to Committee Stage, the Committee agreed at its meeting on 16 February 2011 that it was not in a position to report its opinion on the Bill or on the provisions

contained therein as provided for in Standing Order 33(2). That was not possible because the evidence received to that date was incomplete and there was insufficient time to collect and consider all of the further evidence required to enable the Committee to reach a fully informed position.

At that meeting, the Committee also agreed to not to take the remaining scheduled evidence on the Bill beyond that which had been scheduled up to 23 February 2011. Members, therefore, agreed a short factual report appending the written submissions, research papers and the Official Report of oral evidence that had been received up to that point in time. The report was made available to the wider Assembly on Friday 25 February 2011.

For Members' information, the Official Report of evidence sessions on 16 February 2011, on public liabilities that relate to Harland and Wolff, and on 23 February 2011, which included personal testimony from sufferers of pleural plaques alongside further medical evidence, have been placed on the Committee's web pages. I trust that Members will find provision of that evidence and further information on the Bill of assistance at Consideration Stage and subsequent Stages of the Bill's passage through the Assembly.

Mr A Maginness: I rise to speak on clause 3. At Second Stage, I raised a number of issues on the Bill. In particular, I pointed out what I thought to be a gap in the Bill's provisions with regard to clause 3. The Minister was aware of the point that I raised, and has indicated that he might look at a way to remedy the gap that I have suggested exists. If one looks at clause 3, it is clear that it provides that the period between the date of the decision on the Johnston case on 17 October 2007 and the date on which any change in the law comes into force does not count towards the three-year limitation period for raising an action for damages in respect of the three conditions covered in the Bill.

Subsection 1(a) address the kinds of claims to which the clause applies, which are claims involving asbestos-related conditions covered by clauses 1 and 2. That includes claims that have been raised in the courts before any change in the law comes into force, as well as future claims. The Bill's explanatory and financial memorandum states that:

"Subsection (1)(b) provides that, where actions have been raised before the date on which the change to the law comes into force, this section will apply only if those cases are ongoing at that date."

I emphasise the words:

"those cases are ongoing at that date".

The effect of the clause is to address cases that may be at risk of being dismissed by the courts on the basis of limitation points; in other words, on time-barred grounds. An example is given in the explanatory and financial memorandum, which is that a person who developed pleural plaques in December 2004 and whose case could be considered to be time-barred by December 2007 might have delayed raising his or her case because he or she thought that they had no right of action because of the decision in the Johnston case.

That person may have lodged a claim, because of the Department of Finance and Personnel's announcement that it was recommending a change to the law. Without that provision, which will, for a specified period, stop the time-bar clock running, that person's claim could be dismissed as having been raised beyond the three-year limitation period. In other words, clause 3 protects the interests of a plaintiff who has an ongoing case before any change to the law takes place, or who wishes to raise a case in the future after the law has been changed. Therefore there is no limitation period coming into play and, therefore, the claim is not disbarred.

I think that that covers a lot of cases that are, effectively, extant and cases that could be brought in the future. However, I think that the gap lies in the fact that it does not cover cases that have, for whatever reason, been withdrawn by a plaintiff, because of the Johnston case. Perhaps the plaintiff received advice from his or her solicitor saying that they had to discontinue the case, due to the House of Lords decision on Johnston. If that person has withdrawn their case or entered into some sort of contract or settlement with the defendant's solicitors to withdraw the case, where stands that case now? I suggest that clause 3 does not cover it, particularly in a situation in which a plaintiff is confronted with advice from their solicitor advising him that he needs to withdraw the case and, if it goes any further, the defendants could apply to the courts for it to be dismissed and, if it is dismissed, the plaintiff will have to bear his

own costs of the action, as well as the costs of the defendant.

If such a case arises, one can understand why a plaintiff would enter into some arrangement with the defendant's solicitors or legal representatives to withdraw the case or to discontinue the case against the client whom they represent. I do not think that clause 3 covers that. I raised that point at the Bill's Second Stage. I hope that the Department and the Minister will take the points that I am raising today on board, which are simply a reiteration of what I raised at the Second Stage.

I am contemplating bringing an amendment at the Further Consideration Stage in order to try to close the gap, which, I think, I am entitled to do. However, it would be helpful if the Minister reviews the points I have raised and, if he feels that he is convinced by my arguments, considers whether the Department should look at the issue further and bring an amendment in his name or in the name of the Department to cover the gap. I appreciate the Minister looking at that point and tabling an amendment. It seems to me that there is a class of case herein that is not covered by clause 3. I know that clause 3 was designed to try to cover as many people as possible, if not everybody, but I do not think that it covers everybody. I worry about that.

The Minister of Finance and Personnel: I thank the two Members who have spoken on the Bill. The Chairperson raised the issue of whether there has been sufficient time to consider the Bill. On 14 February, the House debated at length a motion that had been moved to extend the time for consultation on the Bill.

That was duly defeated, and I was pleased that it was. At that time, I explained the reasons why I believed that an extension would have been inappropriate. I was of the view that, had there been an extension, the Bill would not have passed during this Assembly term, and would then have had to take pot luck in the new mandate. Also, of course, the passage of time would have made it more open to challenge from the insurance industry.

I have to say that the insurance industry has fought against this issue in what I can only describe as a scandalous way over the period since the Johnston case, and, indeed, before that. It is my view — the Member for North Belfast expressed it too — that the insurance industry was quite happy to collect premiums

from employers who risked the possibility of claims for negligence, pocketed those premiums, and has since done everything that it can to try to fight the possibility of people taking successful claims. Many people are looking with interest to see whether the promise that the Executive made and the commitment that the Assembly made will be delivered in the time available in the remainder of this Assembly mandate.

I do not want to go over all the arguments. There have been two consultations on the policy and the draft Bill, and the information from those consultations was made available to the Committee and discussed fully with officials at Committee. Indeed, the debate at Second Stage was perhaps one of the best-informed debates that there has been on an issue such as this. That indicates to me that Members had a full knowledge of all the issues.

As far as I am concerned, there is one simple issue at hand. In the past, people who had been affected by exposure to asbestos as a result of negligence had recourse to the courts. That was then changed as a result of a High Court judgement. There have been moves in England and Wales to change that, legislation has been introduced in Scotland to change it, and it was appropriate for us in Northern Ireland to introduce legislation to change the legal position so that people had recourse to the courts where there had been negligence. I believe that the Committee has had all of the information available to it.

The Committee has produced a report summarising the evidence to date, and has had the ability to comment on that, but has chosen not to do so. I hear complaints that there has not been enough time to look at the issues, but the Committee did not even use all of the time that was available to it, without the extension, to take more evidence and produce a report. With all due respect, I think that there is inconsistency in the comments of the Chairperson on this issue. He said that the Committee wanted more time and felt that it had not had time to look at all the issues, but it then decided to simply produce a report summarising the evidence to date and make no comment on it, and did not even use all of the time available to it. One has to view the comments about there not being enough time in light of that.

As I said, I do not think that it is a particularly complex issue. It is a question of whether we overturn the House of Lords decision through legislation so that people have the opportunity of recourse to the courts. Of course, it is not unusual for legislatures to overturn decisions of the House of Lords when they feel that either those judgements do not reflect the wishes of the public or those of elected representatives. That is exactly what we are doing through this Bill.

1.45 pm

Mr Maginness, from North Belfast, queried whether clause 3 ensures that people who believe that they have a claim would have recourse to the courts. The intention was to make clause 3 as all-embracing as possible to ensure that no one was excluded because of the passage of time or by having cases in court that had not been dealt with. He and I discussed privately the question of what may constitute cases, and he raised it at Second Stage. He is not sure, and we are looking at the issue. For example, does it constitute a settlement if someone is encouraged to withdraw a case and, in doing so, does not incur costs? That is the issue.

Does it constitute a settlement if someone is told by their lawyer, "If you continue with this case, you may lose, and if you lose, you will incur costs, but if you withdraw it now, that will be the end of the story"? If it does, then, of course, it would not be covered by clause 3. However, if the withdrawal of that case does not constitute a settlement, then clause 3 would cover those people to enable them to take cases once the legislation goes through.

Between now and Further Consideration Stage next Tuesday, I will endeavour to get a definitive answer to that question. If necessary, the Member or the Department have the option to move an amendment to cover that possibility. We would want to see the point that the Member raised covered by the Bill. I think that it is covered, but, not being a lawyer, I am not aware whether, technically, there may be some risk. If there is, we will want to try to address that. Hopefully, I will be able to talk to the Member about that in the next day or two.

I thank the Members who spoke and the Committee for its work. It is an important issue. This is a working man's disease and a matter that we want to address. This has, for lots of reasons, taken some time. We have been cautious. Similar legislation went through

the Scottish Parliament and was challenged unsuccessfully in the Scottish courts. I believe that we are on firm ground on the matter.

Question, That the clause stand part of the Bill, put and agreed to.

Clause 3 ordered to stand part of the Bill.

Clauses 4 and 5 ordered to stand part of the Bill.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Damages (Asbestos-related Conditions) Bill. The Bill stands referred to the Speaker.

Budget Bill: Further Consideration Stage

The Minister of Finance and Personnel (Mr S Wilson): I beg to move

That the Further Consideration Stage of the Budget Bill (NIA 11/10) be agreed.

Mr Deputy Speaker: As no amendments have been tabled, there is no opportunity to discuss the Budget Bill today. Members will be able to debate it at Final Stage. Further Consideration Stage is, therefore, concluded. The Bill stands referred to the Speaker.

Committee Business

Cyclists (Protective Headgear) Bill: Extension of Committee Stage

The Chairperson of the Committee for the Environment (Mr Boylan): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 24 March 2011, in relation to the Committee Stage of the Cyclists (Protective Headgear) Bill [NIA Bill 9/10].

Go raibh maith agat, a LeasCheann Comhairle. Tugaim tacaíocht don Bhille na Rothaithe (Ceannbheart Cosantach). This Bill is contentious, has divided opinion and has come to the Committee late in the mandate. However, having received it, the Environment Committee is keen to spend what remaining time it has available looking at it. A public notice has been issued in the three main newspapers to ask for written submissions from interested parties. The Environment Committee has also arranged to take a briefing from the sponsor of the Bill at its meeting on 10 March 2011 and from other bodies, such as Headway, Sustrans and the Cyclists' Touring Club (CTC).

The short extension will allow enough time for individuals and organisations to respond and for the Committee to then produce an interim report, based on the oral evidence and written submissions, outlining the key issues that have been raised about the Bill for the incoming Environment Committee in the next mandate. Molaim an rún.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 24 March 2011, in relation to the Committee Stage of the Cyclists (Protective Headgear) Bill [NIA Bill 9/10].

Private Members' Business

Suspension of Standing Order 42(3)

Mr McKay: I beg to move

That Standing Order 42(3) be suspended in relation to the Single Use Plastic Bags Bill (NIA Bill 8/10).

We have got round to this debate a lot sooner than expected.

I draw Members' attention to the next motion on the Order Paper, which seeks accelerated passage for the Bill. When I introduced the Bill to the House on 6 December 2010, I had no intention of seeking accelerated passage for it. It was only after its introduction that the position changed and consideration began to be given to using my Bill as a vehicle for legislating for the levy that was announced by the Minister of Finance and Personnel in his statement on the draft Budget on 15 December 2010.

As the Department of the Environment agreed to progress many of the Bill's objectives, and because there were other changes to the Bill arising from the Budget statement, we were unable to comply with Standing Order 42(3), which refers to information that must be given to a Committee before a Bill that is to have accelerated passage is introduced. That being the case, I am seeking the agreement of the Assembly to suspend Standing Order 42(3), prior to seeking its support for the Bill to proceed under accelerated passage.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I have grave reservations about granting accelerated passage to this Bill. It has to be put on record that the proposal for accelerated passage came before the Environment Committee very late. Having been due to come to the Committee twice, the proposal did not appear, and it then came very late.

I have no opposition in principle to a Bill on this issue being discussed and being subject to proper process through the Assembly and its Committees. However, it emerged on the day that the Member presented his proposal for accelerated passage to the Committee — as it did on Thursday when departmental officials attended the Committee — that there are major loose ends, major don't-knows and major issues that bring us back to the key issue, which is that

the matter should be subject to due and proper process.

Mr Deputy Speaker: I advise the Member that we are discussing the suspension of a Standing Order and not accelerated passage for the Bill.

Mr McGlone: I appreciate the forbearance of the Deputy Speaker, but I cannot support the suspension of Standing Orders to facilitate the accelerated passage of the Bill.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I agree with the Member that the Bill came to the Committee and the Assembly very late as a result of the draft Budget announcement in December. That was only two months ago, and since then we have worked with officials from the Department of the Environment and others to ensure that we get the Bill right. Changes arose from the change in the Executive's position, but Members, including Mr McGlone, will have the opportunity to table amendments during the Bill's later stages. If the Bill successfully completes its passage through the House, the Department will also have the opportunity to consult on the regulations that will be set up and carried out as a result of the Bill.

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

Question put.

The Assembly divided: Ayes 53; Noes 37.

AYES

Nationalist:

Ms M Anderson, Mr Boylan, Mr Brady, Mr W Clarke, Ms Gildernew, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Mrs McGill, Mr M McGuinness, Mr McKay, Mr McLaughlin, Ms Ní Chuilín, Mr O'Dowd, Ms S Ramsey, Ms Ruane, Mr Sheehan.

Unionist:

Mr S Anderson, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr Craig, Mr Easton, Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Other:

Mr B Wilson.

Tellers for the Ayes: Mr Boylan and Mr McKay.

NOES

Nationalist:

Mr Attwood, Mr D Bradley, Mrs M Bradley,
Mr PJ Bradley, Mr Burns, Mr Dallat, Mr Gallagher,
Mrs D Kelly, Mr A Maginness, Mr McDevitt,
Dr McDonnell, Mr McGlone, Mr O'Loan,
Mr P Ramsey, Ms Ritchie.

Unionist:

Mr Armstrong, Mr Beggs, Mr Cobain,
Rev Dr Robert Coulter, Mr Cree, Mr Elliott,
Mr Gardiner, Mr Kennedy, Mr Kinahan,
Mr McCallister, Mr B McCrea, Mr McFarland,
Mr McGimpsey, Mr McNarry, Mr K Robinson,
Mr Savage.

Other:

Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr McCarthy,
Mr Neeson.

Tellers for the Noes: Mr Gallagher and Mr A
Maginness.

Total votes	90	Total Ayes	53	[58.9]
Nationalist Votes	36	Nationalist Ayes	21	[58.3]
Unionist Votes	47	Unionist Ayes	31	[66.0]
Other Votes	7	Other Ayes	1	[14.3]

Question accordingly agreed to.

Resolved (with cross-community support):

That Standing Order 42(3) be suspended in
relation to the Single Use Plastic Bags Bill [NIA
Bill 8/10].

Mr Deputy Speaker: Order. Members should
resume their seats or leave quietly.

**Single Use Plastic Bags Bill:
Accelerated Passage**

Mr McKay: I beg to move

*That the Single Use Plastic Bags Bill [NIA 8/10]
proceed under the accelerated passage procedure.*

Go raibh maith agat, a LeasCheann Comhairle.
I speak in favour of granting the Single Use
Plastic Bags Bill accelerated passage, in
accordance with the requirements of Standing
Order 42(4)(a) and (b).

I ask that the Bill proceed under the accelerated
passage procedure. Accelerated passage is
necessary in this case, as there is limited time
left in this Assembly's lifetime. If accelerated
passage is not granted, the Bill will fall as a
consequence. The Bill would have had the
opportunity to progress fully through all its
stages but for the unforeseen development of
the Budget announcement. That introduced
additional factors and issues that we had to
consider.

**The Chairperson of the Committee for the
Environment (Mr Boylan):** Go raibh maith agat,
a LeasCheann Comhairle. The Committee for
the Environment received a briefing from the
Bill's sponsor on 17 February 2011. Members
asked many questions and wanted to know
more about the justification for the Bill and its
policy principles. They also wanted to know how
a plastic bag levy would operate in practice;
who would collect it; how much it would be;
how much it would generate; what impact it
would have on businesses and the environment;
and what could be done with the money. The
sponsor explained that, now that the Executive
have embraced it as a mechanism to generate
revenue, the Department of the Environment
is seeking changes to the Bill so that it meets
its needs and expectations. Members were
concerned when the sponsor indicated that
the Bill may look radically different after further
discussions with the Department. The sponsor
also suggested that, because of that concern,
the Department may be in a better position
to answer some of the Committee's technical
questions about how the levy might operate in
practice. He stressed that, in principle, his Bill
will remain the same.

Members received a departmental briefing
on 24 February. At that meeting, members
questioned the officials on the Bill's operational
arrangements; the mechanism for collecting

the levy; the implications for the Department if the Bill were not enacted in this mandate; and the proposed amendments to the Bill that the Department was asking for. I will go into more detail on the Department's response to those questions in the next debate. For the purposes of this debate, however, the key issue is that departmental officials could not provide details of proposed amendments to members at that stage, although they indicated that amendments would be substantial. At the same meeting, the Committee considered an Assembly Research and Library Service paper on the environmental impact of plastic, cloth and paper bags. It is fair to say that consideration of that document brought more confusion to the deliberations, as it was difficult to ascertain which option would be the best in lessening the environmental impacts of bag usage.

Following the departmental briefing, the Committee remained concerned that the Bill would be substantially changed after Second Stage. Members were concerned that they would be endorsing new primary legislation that they had not seen or had time to discuss. The Committee has now considered a number of Bills, but, no matter how comprehensive and well prepared a Bill is, there have always been areas that, the Committee felt, could be improved.

When asked if it was willing to support accelerated passage, the Committee, by a majority, said no. That was not necessarily a reflection of support or otherwise for the Bill's policy principles. I will also discuss that matter in the next debate. It was clearly indicated, however, that members felt that it would be wrong to allow accelerated passage when there was still so much to be done with the Bill, not least determining the mechanism for collecting the levy. Therefore, the Committee did not support accelerated passage for the Bill.

With your indulgence, Mr Deputy Speaker, I wish to say a few words as a Sinn Féin Member. I fully support my colleague, the sponsor of the Bill, in bringing the Bill forward. It contains measures that will help address environmental issues. With that in mind, as an MLA for Newry and Armagh, I support the Bill.

Mr Kinahan: I am pleased to have a chance to speak against accelerated passage. I want to set it on record, absolutely and clearly, that the Ulster Unionists are all for trying to stop the

littering of Northern Ireland with blue bin bags and, particularly, to stop the bad side effects of plastic bags. However, we do not believe that the Bill does that in the best way that it could. We are, though, waiting to hear a bit more from the Minister on the matter. At last week's meeting, the Department gave us a good indication of various changes that are likely to be made to the Bill. That only adds to our wish to vote against accelerated passage.

2.15 pm

We want to know more and have a better chance to debate these matters. We want to keep our eye on the ball. We want to make sure that we reduce the use of plastic bags. We want to make sure that we reduce litter. However, we want to improve the environment. I remind everyone that this is being driven by the Environment Committee. The Bill needs to raise tax so that we can protect the environment. However, as I have said before, the Bill would not properly achieve that. From the document produced by the Assembly's Research and Library Services, we also now know the impact that the Bill would have on the environment — I will go into that in a bit more detail in a second — and that it is enabling legislation.

Four major changes are likely to be made to the Bill, which I hope the Minister will speak about in a bit more detail. However, most importantly, we feel that there is a need for proper, lengthy and thorough consultation. The Single Use Plastic Bags Bill will affect businesses. It may, in fact, lead to job losses, which we cannot afford at the moment. It may also put more pressure on councils. A mass of other legislation is going through that will affect councils, and no more resources are being given to councils to help them with that. We want to hear from the other environment stakeholders.

I arrived in the Chamber and became a member of the Environment Committee some 20 months ago. Ever since I first saw the Bill, I have asked to know more about the environmental impact that it would have on Northern Ireland. We only received that detail last week, and I am extremely grateful for it. I will not go into every detail, but it shows us that the Bill, in its present form, is not necessarily the right route to take.

Paper bags are four times worse for the environment. Cloth bags, although excellent for recycling and to be encouraged, bring a major

health issue. We need to know more about each of those. I am sure that, like me, all other Members want to make sure that any legislation that we pass from this Building is not just OK legislation but good legislation that has been properly thought through and consulted on.

The Bill has another side effect in respect of black bin bags. In Ireland, there has been a huge increase in the number of black bin bags, which are even worse at degrading and even worse for nature. The Bill would not achieve what we hoped it would achieve. The public need to know and be taught which bags are better to use, which are better to recycle, where to recycle —

Mr Deputy Speaker: I remind the Member that we are talking about accelerated passage and not the content of the Bill or the good and bad of bags.

Mr Kinahan: I will go into that in a bit more detail in the next debate on the Bill. I also want to go into the fact that four changes will be made to the Bill. Accelerated passage would mean that we would not get a proper chance to discuss each of those areas. One of those is the effect of the bag on the environment, and another is the definition of that bag and whether it is a single-use plastic bag or just a single-use bag. That is one of the changes that the Department wants to make. The Department also wants to change the 15p charge that is mentioned in the Bill. We would like to know more about that before we grant the Bill accelerated passage. The way in which the levy is to be raised is not totally in accordance with EU guidelines. We would like to know more about that before we grant accelerated passage. We also want to see much more detail on how the Bill will affect councils and the public before we grant accelerated passage.

I shall summarise: we are not against the idea of the Bill, and, in fact, we agree with its principles. However, we do not like the way in which it is being put through, and we do not like accelerated passage. We do not like seeing the Bill go through without proper consultation. We feel that a bit of a deal has been done behind people's backs. One or two key members of the party on the Benches to my left are not here. I am intrigued about what is behind that. We are against accelerated passage.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I will be brief because I do not want

to repeat some of the points made earlier.

There is a common theme across the board in the community, from Friends of the Earth to the small business sector and smaller retailers: they want much more time to consider the Bill's implications and, therefore, want the proper procedures and legislative mechanisms of the Assembly to be adhered to so that proper and adequate scrutiny can be given to what the Chairperson referred to as a mechanism to generate revenue. I do not really think that that is the intent; accelerated passage would make the legislation's import and outcomes redundant. Given the inadequate consultation and detail provided, I support what the previous Member said about the need for the Bill to go through the proper channels of consultation and consideration in the Assembly. I, therefore, oppose accelerated passage.

Mr Lyttle: Although the Alliance Party firmly supports the Bill's general principle of protecting the environment through reducing plastic bag use, it, too, firmly opposes accelerated passage for the reasons already given and because of the number of amendments and outstanding issues of concern that will need full and proper scrutiny at Committee Stage.

Mr Beggs: I, too, oppose accelerated passage. The number of plastic bags being used in Northern Ireland, many of which are littering the countryside and damaging wildlife, should be reduced and their use minimised. Like any right-thinking person, I support that concept. I try to lead by example by using reusable bags for my weekly shop and by refusing plastic bags on many occasions. Given the effect of plastic bag use on the environment and on the consumption of limited oil resources, I am in favour of policies that curtail their use. However, there is a huge question mark over the best way of achieving that.

The motion to grant accelerated passage symbolises the worst aspects of the DUP/Sinn Féin-led coalition. Their proposals mean that there would be neither widespread debate on the issue nor an opportunity to consult the public to ensure that all aspects are taken on board so that we come up with the best solution for Northern Ireland. They are proposing to push this through almost as part of the Budget process, which has been agreed behind closed doors.

As others said, this is an extremely complex area. The Bill could easily lead to a tax with unintended consequences that adversely affect many aspects of the environment and actually increase our carbon footprint. As others also indicated, there can be problems with paper bags, and the Bill could encourage the use of other plastic bags such as bin liners, the use of which has increased dramatically elsewhere. So, we need to know the full picture. The increased burden on local government is another issue, as the levy would go to the Department, but the councils would have a monitoring role. I declare an interest as a local councillor. The estimated cost of the Scottish model is £7.5 million, yet this model is meant to have the potential to generate income of £4 million a year. So, the numbers need to be examined carefully.

Mr Deputy Speaker: I remind Members that we are debating the suspension of standing orders — sorry, accelerated passage.

Mr Beggs: Evidence is needed. There needs to be an opportunity for retailers, the public and those involved in the manufacture and distribution of plastic bags to provide all aspects of their evidence. In Scotland, the environmental levy proposals were withdrawn. Different models have been used in different parts of Europe. If this is forced through and a detailed Committee Stage is not allowed, there will not be proper consideration of all aspects of the Bill. I believe that, in Denmark, a tax is placed on bulk purchases, which minimises the administration of the scheme. In Belgium, there is a small 3 cent charge. There are different models. If we force this through by accelerated passage, proper scrutiny will not happen and careful looking at alternatives will not be allowed. In the past, the Committee for the Environment has improved legislation, and it has the potential to improve this legislation, given the opportunity to do so.

I understand that officials have recently briefed not only the Committee but several bag manufacturers that drastic changes are being proposed to the Bill as we speak that have not, as yet, been published. Guess what? If the motion is approved, we are going to give the Bill further accelerated passage. Surely, legislation must be carefully scrutinised and examined with all views taken on board, rather than accelerated passage being granted for something that is about to be dramatically altered. It is for that reason that the legislation

should have normal passage. There is no good reason for granting accelerated passage, other than, some may argue, that it has been included in the Budget and the money is needed.

Mr Deputy Speaker: As Question Time commences at 2.30 pm, I suggest that the House take its ease until that time. The debate will continue after Question Time, when the next Member to speak will be Mr George Savage.

The debate stood suspended.

2.30 pm

(Mr Speaker in the Chair)

Oral Answers to Questions

Education

Mr Speaker: Question 6 has been withdrawn.

DE: End-year Flexibility

1. **Mr P J Bradley** asked the Minister of Education for an update on how the new arrangements to replace end-year flexibility will operate.

(AQO 1165/11)

The Minister of Education (Ms Ruane): Mar atá a fhios ag an gComhalta, bhuail mé leis an Aire Airgeadais ar 21 Eanáir, agus d'aontaigh muid go gcaithfidh scoileanna fós rochtain a fháil amach anseo ar na barrachais atá carntha acu trí bhainistíocht fhónta airgeadais. As the Member knows, I met the Finance Minister on 21 January and we agreed that schools must continue to have access in future to surpluses that they have accumulated through sound financial management. We guaranteed to put in place arrangements to ensure that both past and future savings will be honoured, which is in line with the Executive's commitment to schools. Officials in both Departments met in January and February and are currently developing the mechanics of the process. There is, nevertheless, a guarantee that arrangements will be put in place to ensure that the needs of schools are met.

Mr P J Bradley: I thank the Minister for her answer. Will she tell the Assembly what her Department will do in circumstances in which drawdowns exceed receipts, as is most likely to happen?

The Minister of Education: As I explained, we have agreed with the Finance Minister that the surpluses and the schools' needs will be met, which is in line with previous commitments.

Mr Bell: Does the Minister agree that the guarantee that was given by her and the Finance Minister that schools will be able to access and use that money allows schools to properly and prudently plan, and that it is now time that the issue was not being raised week in, week out?

All that that does is cause confusion for boards of governors and principals and play politics with children's futures.

The Minister of Education: Members can put the questions that they want to, and I am perfectly happy to answer them, but I agree with my colleague. It is very clear that the schools can draw down their surpluses. It is for good financial management reasons. I applaud the schools for doing that. Members will know that school budgets run over different periods than our Assembly and Executive budgeting period, so the important thing is not to play politics with this issue but to be thankful that the Finance Minister and I have resolved the issue.

Mr B McCrea: I congratulate the Minister on her conversation with the Minister of Finance and Personnel in that she got additional funds. Did she raise the matter of EYF (end-year flexibility) for the education and library boards (ELBs), which is some £30 million? Will she confirm whether the agreement to fund the schools was reached at the same time as the agreement to fund the ELBs? That being the case, will she tell us why the ELBs do not get their £30 million EYF?

The Minister of Education: It is nice to be congratulated by my colleague. I wonder whether he would give me that in writing.

I think that Members agree that schools are in a very different situation than arm's-length bodies. Schools manage their budgets well, and we encourage them to do so. It is important that they continue to have access to EYF. It is important for arm's-length bodies to plan and to spend wisely the funding that they receive.

Magherafelt Primary School and Nursery Unit

2. **Mr I McCrea** asked the Minister of Education for an update on the newbuild project for Magherafelt Primary School and nursery unit.

(AQO 1166/11)

The Minister of Education: Cheadaigh an Roinn Airgeadais agus Pearsanra breithmheas eacnamaíochta athbhreithnithe don tionscadal seo ar 21 Eanáir 2011. A revised economic appraisal for the project was approved by the Department of Finance and Personnel on 21 January. The North Eastern Education and Library Board (NEELB) has embarked on the tendering process, and tenders were due for

return on 25 February. The NEELB estimates that construction work will get under way in late March, with an estimated completion date of around November 2012. I am pleased to report that five of the projects that I announced in August 2010 have moved to contract stage and a further eight are currently being tendered.

Mr I McCrea: I certainly welcome the news that the newbuild for Magherafelt Primary School and the nursery unit is proceeding and that, hopefully, the work will commence as soon as possible. Will the Minister assure the House that money will be made available to ensure that there are no delays in that project and that —

Mr Speaker: I encourage the Member to come to his question.

Mr I McCrea: — the school build will be completed by the date that she mentioned?

The Minister of Education: Mura sínítear an conradh roimh dheireadh Mhárta 2011, níl aon ráthaíocht ann go mbeidh maoiniú ar fáil sa bhliain airgeadais 2011-12 le ceadú don obair tosú ansin. Should the contract not be signed before the end of March, there is no guarantee that funding will be available. As the Member will know, this money came to us from the in-year monitoring rounds. However, I want all 13 projects on site, and I believe that we can get them all on site. Therefore, it is essential that the North Eastern Education and Library Board ensures that there are no delays in the assessment of the tender returns and that the contract is awarded as soon as possible. I know that the Member wants those schools to be built: so do I.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra a thug sí maidir le hArdcoil Mhachaire Fíolta. I thank the Minister for her reply in regard to Magherafelt Primary School. Will she also say which capital schemes are guaranteed funding in the next financial year? When are such schemes likely to go on site?

The Minister of Education: We have spent a record amount of money on school newbuilds since 2007. We have completed many projects at a cost of more than £500 million, and a further 13 projects are going on site. The Member will be aware that we are in the process of agreeing our draft Budget. He will also be aware that I am fighting for further resources. Unless I receive them, we will not be able to

continue the capital programme at the same level and on the same scale as we did in the past.

I hope that the Executive and all parties in the House understand the importance of education getting the funding that it so deserves so that we can continue with the school-building programme. The Member knows that the investment delivery plan is a 10-year programme, on which we are doing well, and I want us to continue to build new schools.

Mr Molloy: Go raibh maith agat, a Cheann Comhairle. Minister, what will happen if construction work does not get under way before the end of this financial year?

The Minister of Education: Go raibh maith agat as an cheist sin. As said in answer to my colleague, it is important that the North Eastern Education and Library Board moves the tenders as quickly as it can, because we want to get this project on site before the end of the financial year.

Mr Kinahan: Does the Minister favour community and voluntary over nursery for early years provision?

The Minister of Education: It is not a case of favouring community and voluntary. We have a range of community, voluntary and statutory provision in that sector. It is important that we continue to develop our statutory as well as our community and voluntary provision. We have significantly increased the number of preschool places in the past couple of years. I cannot remember the exact figure, so do not hold me to this, but a couple of years ago I think that 43% of young people were getting places; we are now well into the high 90s. A record amount of money is going into early years provision. That does not mean that we stand still. It does not mean that we cannot improve; of course we can. However, we also need to credit the Assembly for its work, and early years provision is one of the areas for which all parties support increased funding.

Teachers: Employment

3. **Mr Ross** asked the Minister of Education for her assessment of the likelihood of future teachers finding a permanent teaching position within one year of graduating. (AQO 1167/11)

The Minister of Education: Tá tionchar ag réimse leathan tosca ar líon agus chineál na

bhfólúntas a mbeadh múinteoirí nua-cháilithe i dteideal cur isteach orthu in aon bhliain amháin.

The number and type of vacancies for which newly qualified teachers may be eligible to apply for in any one year is primarily influenced by decisions made by schools based on their funding under the local management of schools common funding formula arrangements. Reductions, as set out in the draft education budget, would pose a major challenge, particularly in 2011-12. We must raise standards and protect front line services as much as possible. Available resources will have to be carefully prioritised and used to greatest effect. I will seek to maximise the resources provided directly to schools and also press for additional resources. I am keen to ensure that newly qualified teachers are afforded every opportunity to gain permanent employment, provide substitute cover and fill temporary vacancies. Re-employing prematurely retired teachers is denying newly qualified teachers the opportunity to acquire valuable experience. We must also remove obstacles to mobility on a North/South basis.

It would be remiss of me not to mention — Members will be aware of it — that we had an election in the South of Ireland. I congratulate all those who were elected, including my party colleagues, and commiserate with those who lost their seats. I pledge to work with the new Education Minister when he or she is appointed, and I very much look forward to working with that person, because removing obstacles to mobility for our teachers is very important.

Mr Ross: I am not sure how any of that rant about the election is in any way relevant.

One of the first motions that I put down in the House was about a scheme to help graduate teachers get an induction year to give them the experience that they need when they apply for a full-time job. The Minister rejected that and said that there are other ways to do that. However, there has been no progress on that issue, and young teachers are being failed. When the Minister leaves office in a few weeks' time and looks back on how she has dealt with that issue and how she has helped young graduates to get permanent placements and work, will she think that she has been successful in that field or has totally failed those young people?

The Minister of Education: I believe that we are doing everything we can for our newly

qualified teachers to ensure that they get the opportunities that they deserve. With my colleague in the Department for Employment and Learning, we worked out the number of teachers that we needed. Rather than a blanket cutting of teacher training places, we looked at where our priorities areas of curricular needs will be. The House will know — I said it on many occasions — that we have curricular needs in science, in the Irish medium because of the growth, and in special educational needs. So, we targeted places. We are also putting in place arrangements to make it much more difficult for schools to re-employ prematurely retired teachers. That is what we need to do. The Member will be aware that we are bringing in a flat rate and are creating incentives to ensure that our young teachers get opportunities.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. I am glad that the Minister mentioned employment and learning. Will she go into a bit more detail on how she determines how many teachers to train on a yearly basis?

The Minister of Education: Tháinig laghdú ar líon na ndaltaí ó bheagnach 341,000 sa bhliain 2003-04 go beagnach 322,000 sa bhliain 2010-11. Pupil numbers have declined from almost 341,000 in 2003-04 to almost 322,000 in 2010-11 but are projected to rise to around 324,000 by 2016-17. Initial teacher education intake numbers have been reduced by almost 25% in 2004-05; that is a reduction from 880 to 663 in 2010-11 in light of the decline in pupil numbers.

Pupil numbers are a very important factor in determining the intake to initial teacher education, but many other factors also need to be taken into account, including our diverse schooling system; the fact that many young people who cannot gain places at our local initial teacher education (ITE) institutions go elsewhere and return to teach here; and the viability of local providers and of individual post-primary courses. I also need to respond to demand in important areas such as the STEM subjects, special educational needs and, as I said earlier, the growing Irish-medium sector.

Mrs M Bradley: We hear all the time lately about how many people are emigrating and leaving Ireland to find jobs in England. At the minute, how many qualified teachers do we have who have not got a job?

The Minister of Education: I have the figures here; I ask Members to bear with me. Bunaithe ar an eolas is déanaí atá curtha ar fáil ag an gComhairle Ghinearálta Teagaisc i mí na Nollag 2010 ar mhúinteoirí atá fostaithe ag scoileanna.

2.45 pm

Based on the latest information that was provided by the General Teaching Council in December 2010 on teachers employed by schools, 22% of teachers who graduated from institutions in the North of Ireland in 2010 and who are registered with the GTC have obtained a permanent teaching post or a teaching post of a significant temporary nature. Of those who graduated in 2006, some 76% have now obtained a permanent post or a post of a significant temporary nature. Of that 22%, some will be employed in other areas, and you can see the correlation between getting experience and the statistics. It is good to see that 76% of the teachers who qualified in 2006 have now obtained a teaching post, but we need to continue to ensure that teachers get access to jobs.

University of Ulster: Magee Campus

4. **Ms M Anderson** asked the Minister of Education whether the relocation of Foyle and Londonderry College would assist the proposed expansion of the University of Ulster's Magee campus.

(AQO 1168/11)

The Minister of Education: Tá Coláiste an Fheabhail agus Dhoire agus Bunscoil Ebrington ar dhá cheann de na mórthionscadail chaipitil atá fágtha ar phlean infheistíochta seachadta mo Roinne. Those schools are two major capital projects that remain on the departmental investment delivery plan. A stage C submission, which involves initial sketch plans and costs for both schools, is being considered by my Department. The draft Budget 2011-15 highlights significant reductions in the capital budget for education over the next four years. Any investment in newbuilds, unless I receive further allocation from the Executive and, indeed, from the Assembly is, therefore, likely to be intermittent and limited. I want to continue with the school building programme, and I look forward to the support of all parties in the House when we put forward our bids. Projects on the investment delivery plan are being progressed to completion of their current stage, until our budget is confirmed. At that point, I

will be able to determine how we move forward. I look forward to receiving the support of all Members.

On the use of the existing schools, it is my understanding that the board of governors of Foyle College has already entered into negotiations with the university about the sale of its existing premises to Magee College. I understand that it has been agreed with the University of Ulster that it will have first option to purchase the school land. Obviously, issues relating to the University of Ulster are a matter for the Minister for Employment and Learning, and I cannot comment further on the proposed expansion of the Magee campus.

Ms M Anderson: Go raibh míle maith agat, a Cheann Comhairle. I thank the Minister for that detailed response. Is the money that the Minister has spent relocating Foyle College to Ebrington of such an amount that it necessitates her getting back the money from the reduction to her capital budget? How much money has been spent on the process of relocating Foyle College to Ebrington?

The Minister of Education: Go raibh maith agat as an cheist sin. Go dtí seo, tá cúnamh deontais arbh fhiú £1,877,036 ar fad curtha ar fáil ag mo Roinn do Choláiste an Fheabhail agus Dhoire. To date, my Department has provided a significant amount of money for the relocation. That includes the acquisition of the Clooney site and the professional fees incurred. The Western Education and Library Board has responsibility for the planning of the project for Ebrington Primary School. It has confirmed that £82,870 has been spent to date on that project and that £14,877,036 has been spent on the move to the Clooney site. I want to continue to build schools, and I hope that we get further resources to continue with the capital building programme. It is very important for the development of our economy to continue building schools across the North of Ireland and to continue with the significant level of investment that we have completed already.

Mr P Ramsey: Will the Minister acknowledge the considerable work that has been done by the management of Foyle and Londonderry College and Ebrington Primary School on the relocation of that primary school and grammar school to the Army base in the Waterside? Can the Minister confirm that both of the business

cases have been approved by DFP? Will they still be a priority in her budget?

The Minister of Education: Any school that gets to the point where it can get a newbuild and be on the capital programme has done tremendous work, and I pay tribute to all the schools on our capital list. It is important that we get further resources to continue with the school building programme.

Mr Campbell: The Minister talked about “these schools” and “both schools”. It is unfortunate and regrettable that she could not use the correct terminology when talking about Foyle and Londonderry College. Does she accept that the concept and the project will be a win-win situation not just for primary schools in Ebrington or post-primary schools in Foyle and Londonderry, but for third-level education in respect of Magee, and that it is a project that should proceed with the utmost haste?

The Minister of Education: I trust that the Member is pleased with the amount of money that we have spent to date on those projects, and I hope that we can continue to fund the schools on our investment delivery plan. It is in the hands of Members of the Assembly and the Executive to ensure that we get the funding that schools deserve.

Mr Cree: When will the Minister publish the criteria that she will use to prioritise future capital spends?

The Minister of Education: Members will know that we are in discussions in relation to budgets, and there is a budget review group meeting. Members will also know that we have secured in the Budget significant extra money, and some of that is still unallocated. What we need to do now is move forward with the revenue-raising proposals. That is the best way of ensuring that we continue with our public investment programmes, whether they are in schools, in health, in housing or whatever area they are in.

Special Educational Needs (SEN)

5. **Dr McDonnell** asked the Minister of Education when the outcome of the consultation on special educational needs and inclusion will be published.
(AQO 1169/11)

The Minister of Education: Tá ullmhúchán á dhéanamh ar thuarascáil ina n-achóimrítear

freagraí na cáipéise comhairliúcháin ‘Gach Scoil ina Scoil Mhaith — An Bealach chun Tosaigh do Riachtanais Speisialta Oideachais agus Chuimsiú’. A report summarising the responses to the consultation document ‘Every School a Good School: The Way Forward for Special Educational Needs and Inclusion’ is being prepared, and I expect it to be available for publication very shortly. The document will provide a summary of almost 3,000 responses received during the consultation period. That includes a summary analysis of 846 responses received in written form, 737 responses in campaign form and 1,319 signatories to petitions.

Following the publication of the summary report, the next stage will be to proceed with detailed exploration of the policy options, which, it is envisaged, will involve further discussions with parents, schools, children, young people and other stakeholders before policy proposals are detailed and finalised.

Dr McDonnell: Can the Minister confirm that the majority of the responses to the proposals express opposition to them? That being the case, does she intend to spend millions of pounds on implementing proposals that people are not happy with?

The Minister of Education: There was a wide range of reaction to the proposals, and we will carefully study all those reactions. Different people have different views on different aspects. However, rather than play politics with the issue, we need to ensure that we continue investing in special educational needs and inclusion and that we invest very strategically. That is what I plan to do.

Rev Dr Robert Coulter: I declare an interest as chairperson of the board — *[Interruption.]*

Mr Speaker: I advise Members to rise in their place if they want in for a supplementary question.

Rev Dr Robert Coulter: I declare an interest as chairperson of the board of a special school. When will the Minister be in a position to give hope to Castle Tower School to proceed to the next stage of design?

The Minister of Education: First, I pay tribute to the Member because he has constantly supported this lovely school. I was privileged to visit it, and I have wonderful memories of it. I want to ensure that we continue investing. For me or, indeed, anyone to invest means that we

have to continue with the building programme. We need to make a decision as an Assembly and as an Executive about how we prioritise our resources. I believe that the best way of prioritising resources is on our public buildings programme. It helps the construction industry, but, more importantly, it deals with the legacy of underinvestment in our schools. The Member will know that in the past two years we have spent 99.9% of the budget that was granted to us. Give me money to build schools, and I will build them.

Ms Lo: It was good to hear that so many people responded to the consultation. It indicates the importance of SEN as an issue to many parents and families. Will the Minister assure us that she will produce her policy as soon as possible? Rather than continuing with more consultation, we need more action.

The Minister of Education: Although I welcome the Member's comments on SEN, I would add the word inclusion. The issue of special educational needs cannot be dealt with without talking about inclusion and, indeed, early years. All those policies are part of a jigsaw of interconnected policies bringing about change: transfer 2010, early years policy, and Every School a Good School are among the raft of policies that we have. That is how we can make real differences in our education system. Early intervention is key, and I pledge to the Member that we will study, and are studying carefully, the responses to the consultation. We are moving forward on many aspects of special educational needs and inclusion with Every School a Good School, early years and other policies. We should not look at special educational needs in isolation. The Member was absolutely right to say that special educational needs and inclusion are important, and it is essential that we get the policy right.

Mr Humphrey: As the Minister comes to the end of her time holding the education portfolio, does she agree that one of the outcomes of the consultation that I have been conducting with principals in schools across the greater Shankill is that they want an education action zone established in that area? Does she agree that such an action zone would be beneficial to children, their parents and schools in general?

The Minister of Education: I have visited many of the schools on the Shankill and met many of the principals. I applaud the work that they do under extremely difficult circumstances. I also

know, from speaking to them, and perhaps the Member could bring this up the next time that he is on the Shankill — *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: I know that the vast majority of teachers on the Shankill want an end to a two-tier education system. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: When we look at the statistics for young people who do not get access to schools near the Shankill — *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: It is great to see Members laughing. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: I do not know why Members feel that they can laugh when many children are being failed by the current education system. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: Maybe they think that it is a laughing matter. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: It is certainly not a laughing matter for me. I will ensure that we put in place policies. One of the best policies that we can put in place to ensure educational equality for children on the Shankill is called transfer 2010, transfer 2011 and transfer 2012. It is shameful to see the Member nodding his head. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: He should talk to educationalists, and they will tell him what is needed. *[Interruption.]*

Mr Speaker: Order. Question 6 has been withdrawn, and question 7 was grouped with question 4. Dominic Bradley is next on the list.

Schools: Budget Cuts

8. **Mr D Bradley** asked the Minister of Education what effect the cuts to the aggregated schools budget will have on front line services.

(AQO 1172/11)

The Minister of Education: Níl na buiséid deiridh ná buiséid na Roinne aonair curtha i gcrích go fóill, agus coinneoidh mé liom ag iarraidh breis airgead a fháil le tacaíocht a thabhairt do sholáthar oideachais ardchaighdeán ar mhaithe le gach páiste inár scoileanna. Budgets, including individual departmental budgets, are not yet finalised. As I said on a number of occasions, I will continue to press for additional resources. In the draft budget that we produced, we did everything that we could to protect front line services: youth services; special educational needs and inclusion; and counselling services. We will also extend the entitlement to free school meals. We must also do everything that we can to protect jobs. That is one of the reasons why I asked — I did so with a heavy heart — for £41 million to be reclassified from the capital budget this year. It is essential to protect jobs in schools. The best way of protecting jobs and protecting the aggregated schools budget is to ensure that we get further money from the unallocated resources, and I will fight for that.

I know that, at a meeting of the Committee for Education, the Member said that his party will support my bid. I welcome that. I hope to see his party put that into action.

3.00 pm

Employment and Learning

Belfast Metropolitan College

1. **Mr Humphrey** asked the Minister for Employment and Learning for his assessment of whether the restructuring proposals developed by the Belfast Metropolitan College represent the best way forward in addressing the financial circumstances currently facing the college.

(AQO 1180/11)

The Minister for Employment and Learning

(Mr Kennedy): Belfast Metropolitan College has developed a college improvement plan, which identifies the actions required to return it to long-term financial health and stability, including proposals for implementing a revised curriculum and the introduction of a new corporate structure.

My Department has monitored the process closely and has carried out a detailed review of the plan to ensure that it is robust, realistic and comprehensive. The plan has been accepted

by my Department as providing a sound basis for ensuring the long-term financial health and stability of the college, while ensuring that the quality of provision will not be adversely affected if the plan is implemented successfully.

Mr Humphrey: I thank the Minister for his answer. He will be aware that a number of people in Belfast in general and, in particular, my constituency of North Belfast are concerned about their future, given the talk that there has been about redundancies in the college. Can the Minister provide clarification on numbers and packages for those who may well be made redundant?

The Minister for Employment and Learning:

I thank the Member for his question. I am happy to give details of the continuing review and evaluation of staffing needs at Belfast Metropolitan College. Recently, it revised the number of staff efficiencies required from 168 posts, which is the figure given in the college improvement plan, down to 159 posts. Of those, 39 have been achieved through 93 part-time temporary staff not having their contract renewed. It is anticipated, therefore, that a reduction of some 120 full-time equivalent permanent staff will be required. The college is confident that a majority of the reduction can be achieved through retirement, voluntary redundancy, flexible working and redeployment, so that compulsory redundancies can be minimised. Of course, I do not, in any way, underestimate the impact that it will undoubtedly have on the staff who are affected, but I know that the college is attempting to manage the process carefully.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. Will the Minister confirm that the former chairperson of Belfast Metropolitan College wrote to his Department to warn that the Titanic Quarter project would not be affordable or sustainable? Will he further explain why his Department ignored those objections and put in over £40 million to the contract for that project?

The Minister for Employment and Learning: I am grateful to the Member for her supplementary question. It is important in all of that to realise that we need to ensure that Belfast Metropolitan College lives within its financial allocation, which, I believe, has been generous. Exciting and potentially dramatic proposals are available that will enhance the services that the college

provides. We want to continue to ensure that it provides top-class educational facilities. The proposal that is under way will do that for the future. We are planning for the future. I hope that the Member and her party will support the enhancement of services at Belfast Metropolitan College. I understand the concerns, which relate to the historical financial position that the college has got itself into over a period. That has now been taken on board and is being properly managed. However, we also have to look to and plan for the future.

Mr A Maginness: I listened carefully to what the Minister said. I understand the historical problem that exists in the Belfast Metropolitan College. However, a reduction of staff by 120, which is basically what the Minister has told the House, is a substantial cut. Can the Minister guarantee that the quality of education and the curriculum available will be maintained, despite that savage cut?

The Minister for Employment and Learning: I am grateful to the Member for his supplementary question. I accept that it will have a great impact on individual lives. I do not minimise or underestimate that at any stage. Nevertheless, having evaluated the situation and taken the time to conduct meetings with staff and trade union representatives, the college feels that this is the best option available to it, and it has come to that conclusion in a professional and caring way.

Mr Lyttle: I will endeavour to supplement Ms Ramsey's question, given the Minister's failure to answer her. Can the Minister advise the House of the impact that the Department for Employment and Learning's decision to approve relocation of the Belfast Metropolitan College to the Titanic Quarter had on the financial stability of the college?

The Minister for Employment and Learning: I am grateful to the Member for his supplementary question. I will attempt to answer it by saying that, I believe, the two issues are not completely and directly intertwined. There are separate issues affecting the two aspects of it. One is the financial position that Belfast Metropolitan College has achieved over a period of years. It is important that the college lives within its means. It is generously funded, compared with other colleges not only in Northern Ireland but throughout the rest of the United Kingdom.

It is also important that we look to the future. It is those future proposals that give a very exciting prospect for students who will attend Belfast Metropolitan College. I hope that that will be welcomed by all sides of the House, in spite of the current difficulties that we are encountering.

Holylands: St Patrick's Day

2. **Mr Spratt** asked the Minister for Employment and Learning for an update on the measures his Department has put in place in preparation for St Patrick's Day in the Holylands area of South Belfast. (AQO 1181/11)

The Minister for Employment and Learning:

My Department is represented on Belfast City Council's Holylands interagency group and has been working closely with partners on that group on planning and preparations for St Patrick's Day. The interagency group includes representatives of Departments — including my own — agencies, Belfast City Council, the PSNI, both universities and Belfast Metropolitan College.

The preparations for St Patrick's Day will build on the measures already in place, which helped ensure a relatively peaceful opening week and Halloween celebrations. Those preparations include an increase in the number of CCTV cameras in the area; an increased police presence; an increase in the number of community safety wardens; and strict enforcement of alcohol by-laws.

I have spoken to senior staff at both universities and to the chief executive of Belfast City Council about the preparations for St Patrick's Day and the important role that their organisations play, in conjunction with others, in aiming to bring a long-term solution to the issues in the Holylands area. I urge anyone with influence to ensure that St Patrick's Day is celebrated appropriately and peacefully.

Mr Spratt: I thank the Minister for his answer, and I acknowledge the work that his Department has done in relation to the issue following the ugly scenes that unfolded in the area two or three years ago. The Minister has spoken of the cross-agency support on the issue. Queen's University plays a lead role. Will the Minister acknowledge that Queen's University and the students around it are often blamed for a lot of the trouble that takes place, when, in fact, some of those who are responsible come from

the other university and Belfast Metropolitan College? Will the Minister acknowledge the amount of work that Queen's has put into the issue? Will he assure me that there will be adequate numbers of PSNI officers on duty? What indications have the PSNI made to him of the availability of additional officers?

The Minister for Employment and Learning: I am grateful to the Member for his supplementary question and for the interest that he takes in ensuring that St Patrick's Day passes off peacefully in that part of his constituency.

I assure the Member that I am aware of the very important role that Queen's University, the University of Ulster and Belfast Metropolitan College play in relation to the handling of their respective students.

It is interesting to note the percentage levels of students attached to each university and college there. It is not in any way a foregone conclusion that most of the students are actually from Queen's. However, for all of that, it is incumbent on all students, whichever college they attend, to behave correctly and responsibly on St Patrick's Day and, indeed, every other day of the year. The work of the agency, including Belfast City Council, is very important. Residents have also been involved in that work, and it is important that, on a corporate basis, everyone is seeking to achieve a peaceful St Patrick's Day and a good quality of life for the residents and everyone who stays or lives in that area.

Mr McDevitt: I am sure the Minister will agree that, despite the efforts made in recent years, the situation in the Holylands on St Patrick's Day remains entirely unacceptable and that, in fact, there are several hundred residents who are effectively prisoners in their own home, even up to last year. Would the Minister be happy to join me this St Patrick's Day in visiting the Holylands, so that he can better understand the complexity of the problems and the fact that, despite the good work being done by the universities, there are still significant and challenging issues and return to the House even more resolved to deal with them?

The Minister for Employment and Learning: I am grateful to the Member. The Oscar still goes to Colin Firth. *[Laughter.]* I might as well repeat an old joke; I have no new jokes. I will carefully consider his invitation. I am keen that my attendance anywhere should not provoke any unruliness, particularly on St Patrick's Day. He

makes an important point: the people who live in that area — students, residents or landlords — are entitled to peace and a proper degree of respect for the law on all occasions.

I am satisfied that, through the work of the universities, the council, the other agencies and, particularly, the watchful eye of the PSNI, we can have a peaceful St Patrick's Day. If it is necessary for me to attend, I will give it consideration. St Patrick's Day this year coincides with the twenty-first birthday of my eldest son, and he does not stay in the Holylands.

Mr Cree: Following on from that, will the Minister join me in urging the universities to ensure that any antisocial behaviour by students, particularly attacks on the police, will not be tolerated?

The Minister for Employment and Learning: I agree entirely with the sentiments. As the Member indicates, the wider public would have grave difficulty in understanding how celebrations of our patron saint could develop into unruly scenes in any circumstances. People are entitled to have a day of celebration, but what is not permissible or acceptable is for people to behave badly, as we have seen on previous occasions. I want to try to keep it on an even keel. We had a bad experience a couple of years ago, but it was significantly improved last year, and I hope that there will be further improvement this year.

3.15 pm

DEL: Welfare Reform

3. Mr Gardiner asked the Minister for Employment and Learning for his assessment of the likely impact his Department's budget allocation will have on the delivery of welfare reform.

(AQO 1182/11)

The Minister for Employment and Learning: This draft Budget is extremely challenging. Despite that, I am entirely committed to delivering the main provisions of the welfare reform agenda that rest within my Department's remit. Assessment of the likely impact of the draft Budget allocation on welfare reform needs to be set in context. Throughout the past two years, my Department has been at the forefront of the Executive's response to the economic downturn. I do not foresee that challenging climate changing for the better in the near future. That will result in front line resources continuing

to be stretched to capacity and beyond on a sustained basis.

The reduction in funding comes at a time when our services are most needed to assist increasing numbers of unemployed adults back to work and deliver much-needed welfare reform. Against that backdrop, my assessment of the draft Budget allocation is that I will not have the additional resources required to respond to staffing and work programme provision to deliver the new welfare reform. For example, it will result in reduced capacity to respond to the support needs of clients or the development of new programmes, leaving Northern Ireland completely out of step with the United Kingdom. In that incredibly challenging context, I remain determined to target my available resources in the most effective manner to deliver welfare reform and enhance each individual's opportunity to return to work.

Mr Gardiner: I thank the Minister for his in-depth answer. However, is it his view that maintaining parity in welfare arrangements could come under significant pressure?

The Minister for Employment and Learning: I am grateful to the Member for his supplementary question. Parity concerns me, and everyone in the House should be concerned. I do not mean parity in pure financial terms; the level of advice services that my officials and the Department are able to provide is equally important, and that will be a challenge given the draft Budget. Nevertheless, I am confident that my officials at all levels will assist their customers and clients with the opportunities of which they need to be made aware.

Mr Bell: Does the Minister agree that we are witnessing the outcome of the £4 billion cut imposed on Northern Ireland by the Conservative-led Government and that within that the Northern Ireland Executive gave DEL the second most generous budget? Will he join me in supporting the front line staff who are dealing with thousands more unemployed adults than they were budgeted to support?

The Minister for Employment and Learning: I thank the Member for his question, at least the latter part of it. I confirm my admiration of and support for staff who are already stretched in providing important essential services and advice to people who find themselves without work or in a bad situation. I have every indication that that important work will continue. My

Department will continue to support it as far as it can to minimise impact on front line services.

Ms Ní Chuilín: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his responses, particularly his response to the previous question. Given that the Social Security Agency estimates that up to 25% of people will find themselves actively seeking work in the onslaught of welfare reform, will the Minister respond to the issue of funding for the west Belfast and greater Shankill task force, which looks after and supports people into work in one of the most deprived areas? That task force will be greatly impacted by the 25% of people who will be actively seeking work.

The Minister for Employment and Learning: I am grateful to the Member for her question. I am aware that that is an issue that she and others are concerned about. I am happy to write to her with a more detailed reply.

Mr Speaker: Once again, I am having to second-guess whether Members want to ask supplementary questions. It is really up to Members to rise in their place.

Mr Gallagher: I was just running out of energy, but thank you, Mr Speaker.

Will the Minister assure us that his Department will continue to deliver welfare services in-house and that they will not be outsourced so that public sector jobs are not put under threat?

The Minister for Employment and Learning: I am grateful to the Member for his eventual supplementary question. My intention is that my existing staff will be used to provide the services that are required. That will, of course, be a challenge, and, because of the economic backdrop, the circumstances make it unlikely that new staff or a different method of carrying out that work will be engaged in at an early point.

Employment: North Antrim

4. **Mr Storey** asked the Minister for Employment and Learning what steps his Department has taken to assist individuals in gaining employment, including self-employment and in improving linkages between employment programmes and skills development in the North Antrim area.

(AQO 1183/11)

The Minister for Employment and Learning: A number of specific events have been organised recently in the north Antrim area, including the

Ballycastle area, to make employers more aware of the services and programmes that are offered by the Department to help them to recruit staff from among the unemployed. A further event is planned for Moyle District Council, involving Ballymoney Chamber of Commerce, on 4 March.

My Department has a comprehensive range of programmes and services available throughout Northern Ireland to help people train for, find and remain in work. Provision, through the Steps to Work programme, is flexible, so it can be tailored to address specific barriers that a customer may have to finding employment. Opportunities include the option to gain a work-related qualification; relevant work experience through high-quality job placements; assistance with improving essential skills; help with developing the skills needed to search for work or sustain employment; and a self-employment option for those who wish to start their own business.

Through the network of jobs and benefits offices and jobcentres, my Department also offers a full employment adviser service with employment programmes for people with a range of health conditions. Staff from the Careers Service are available throughout Northern Ireland to provide career information, advice and guidance. That is designed to help people to identify career goals and to source relevant courses to help them to achieve those goals.

Mr Storey: I thank the Minister for his reply, particularly the reference to the initiative that is being held on 4 March. Given the particular problems that we have in Ballycastle and Ballymoney, following that workshop on 4 March, will the Minister agree to look at what else can be done with his officials, Ballymoney District Council and Moyle District Council? That is very important, given the worrying unemployment figures that were recently published and the severe upward trend in unemployment in Ballymoney and Moyle.

The Minister for Employment and Learning:

I thank the Member for his supplementary question, and I acknowledge the concern that he has expressed to me on those matters today and on other occasions. I will ask officials to carry forward the work following the meeting on 4 March. If I can be of assistance, I will certainly make myself available to lead that progress.

Mr O'Loan: I thank the Minister for what he said on specific work in north Antrim. On a more general note, will he adopt a cross-departmental

approach with the Department of Education with specific reference to work experience so that more pupils in our schools spend more of their time in direct work experience so that they are better prepared for a place in the workforce?

The Minister for Employment and Learning:

I thank the Member for his supplementary question. I agree with the general theme of what he said. Increasingly, it will be essential for Departments such as the Department for Employment and Learning to co-operate and collaborate in a much more detailed and meaningful way with other Departments, including the Department of Education. The Member's suggestion is perfectly sound. It is incumbent on Ministers in the Executive to heed that and to put in place measures so that progress can be made on how that can be achieved.

Mr K Robinson: I listened carefully to the Minister's answer, particularly his reference to the Steps to Work programme. Will he assure the House that that successful programme will continue and that there is a possibility of developing it to meet some of the challenges that the two Members for North Antrim raised?

The Minister for Employment and Learning:

I thank the Member for his supplementary question. I agree that the Steps to Work programme has been hugely successful. It has also made a real difference to a great many people, particularly young people. I hope that the Department, the Executive and the Assembly will continue to promote that good work and ensure that every possible assistance and opportunity is given to bring people through the various training programmes.

Young People not in Education, Employment or Training Strategy

5. **Mr Boylan** asked the Minister for Employment and Learning with which Executive Ministers he has met to discuss funding for the young people not in education, employment or training strategy and to outline the outcome of each of those discussions. (AQO 1184/11)

The Minister for Employment and Learning: The NEETs strategy was the subject of discussion by the Executive and of a major review by the Committee for Employment and Learning. The development of the strategy involved seven Departments as well as my own, and, subject

to Executive approval, it is the intention to bring the proposed strategy forward for public consultation within the next few weeks. The strategy will outline the key actions that are funded by Departments within existing budgets.

I can tell the House that I included a bid for some additional resources to help with the implementation of the strategy among the development proposals that I submitted for consideration during the Budget 2010 process. Those were the subject of discussion with the Minister for Finance and Personnel, but, unfortunately, the overall settlement for my Department is not sufficient to accommodate them. It is now my intention to present a bid to the Executive's proposed social investment fund once the criteria are clarified and the Office of the First Minister and deputy First Minister issues a call for proposals.

It is important to understand that the resourcing of the strategy is not solely a matter for my Department; for example, the Department of Education, has a major role to play. It is also a matter not solely of new money but of the more effective use of the resources available to all Departments through co-ordinated activity and the sharing of best practice through delivery organisations.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his reply. Is he of the opinion that OFMDFM should take the strategy forward?

The Minister for Employment and Learning: I am grateful for the suggestion that the Member has made through his supplementary question. In many ways, that would make sense, and OFMDFM should take a leading role in it. However, such is the cross-cutting nature of the work that it involves my Department, the Department of Education, OFMDFM, the Department for Social Development, the Department of Justice, the Department of Health, Social Services and Public Safety, the Department of Enterprise, Trade and Investment and the Department of Agriculture and Rural Development. Therefore, it is important that Ministers and officials, across a range of Departments, apply themselves to what is required and bring forward a meaningful response to the challenges of those who are not in employment, education or training.

Mrs D Kelly: I welcome the Minister's comments. However, if the outcome of the next election were to be the same as the last, I would not

have confidence in OFMDFM taking forward the strategy, having failed to bring forward its childcare strategy.

One of the findings of the NEETs inquiry was that some young people are not eligible for education maintenance allowance (EMA). Is the Minister considering widening access to EMA to meet the needs of some of the young people who are not currently in education, employment or training?

3.30 pm

The Minister for Employment and Learning: I thank the Member for her supplementary question, the first part of which I will tactfully ignore.

The Committee for Employment and Learning's work has been important. Recommendation 41 indicated that the EMA should be better targeted. However, that does not necessarily mean that it should be extended; it simply means that it should be better targeted. That is what officials are considering before we bring forward proposals in a consultation document.

Private Members' Business

Single Use Plastic Bags Bill: Accelerated Passage

Debate resumed on motion:

That the Single Use Plastic Bags Bill [NIA 8/10] proceed under the accelerated passage procedure. — [Mr McKay.]

Mr B Wilson: The Green Party has supported a levy on plastic bags for many years. Therefore, I support the Bill in principle, and I look forward to the amendments that the Minister will propose. I supported accelerated passage in Committee and continue to do so. It is unfortunate that it is so late in the session, but it is important to get the Bill through before the recess. To achieve that, we require accelerated passage.

I welcome the fact that the income will be used to fund the green new deal, and it is important for that fund to be set up as soon as possible. There has been an initial consultation, and the Committee has taken evidence from departmental officials. Therefore, I do not foresee any major problems. Similar legislation has been very successful in the Irish Republic, and the Bill can bring significant economic and environmental benefits. I support accelerated passage.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. I am just finishing my speech. I thank the Members who contributed to the debate. The Committee Chairperson, Cathal Boylan, opened the debate, and I thank him and the Committee for accommodating me when I presented the Bill. It was a solid grilling session that lasted for over an hour. I now know how some officials must feel when they come before that Committee.

As Cathal said, the Committee voted against the Bill by a slight majority of one. I hope that the members who voted against accelerated passage can be swayed by some of the arguments that will be outlined later during Second Stage.

Danny Kinahan had concerns about the consultation. We carried out a consultation process, and I have a folder full of responses following the consultation. A lot of the issues that were raised influenced how the Bill was drafted. However, if the Bill goes through, as I foresee that it will, there will be another opportunity to discuss the regulations that will

be set up under the Single Use Plastic Bags Bill. There will be an opportunity for further consultation on the issues outlined, such as the effect on retailers, the exemptions, and so on. People and Members should not view the Bill as being tied down as some flexibility has been introduced. It is important to take into account the fact that the decisions and the minutiae will be decided further down the line.

Patsy McGlone had concerns about the statement made by Friends of the Earth, which was released in conjunction with the British Retail Consortium and NIIRTA. It is worth bearing in mind that the British Retail Consortium is against a levy of any type on plastic bags or any bags, and it is important that the matter is viewed in that context. I spoke to a representative of the British Retail Consortium this morning, and even though he is against a levy, he welcomes the fact that it is being amended so that the Assembly can look at the scope of extending it to other types of bag. So, he is very much in favour of that as opposed to a levy on plastic bags only.

I am surprised at some of the comments from Friends of the Earth. Declan Allison made a statement in conjunction with two other groups this morning, I believe. Mr Allison is on record as saying that linking the green new deal to the levy sends out a very strange message that using plastic bags is a good thing. That is a bit of a contradiction when compared to Friends of the Earth's position in its response to a consultation on a Scottish proposal for a bag levy. In that case, it argued that the funding should be ring-fenced for environmental projects. I do not know whether Mr Allison is out of line in regard to Friends of the Earth policy, but mixed messages certainly seem to be coming from Friends of the Earth in that respect.

Brian Wilson supported the Bill, and I welcome that. He said that it is also important that the green new deal is set up as soon as possible. I fully agree with that. If the Bill does not go ahead as planned, that will jeopardise the funding streams necessary to fund the green new deal and environmental projects, which is what the Bill is partially about. However, primarily, the Bill is about effecting environmental change and reducing the amount of plastic bags in circulation. We should move forward in the same way that the South did. The proceeds should go towards environmental measures as opposed to into the central pot.

The Minister of the Environment: Does the Member not think it somewhat odd that, when he brought a debate to this House some time ago, Mr McGlone said:

"As a constituency MLA, I look forward to the Minister introducing proposals to the Committee that will help our countryside to be improved and to look clean, green and welcoming." — [Official Report, Bound Volume 34, p285, col 1].

In that same debate, Mr Beggs said that he supported the motion and that:

"the Assembly must do more than talk about the issue. It must take action, enact legislation and educate people to use plastic bags sparingly or avoid using them at all." — [Official Report, Bound Volume 34, p289, col 1].

He also said that:

"pretend politics must end. Members were elected to a legislative Assembly, not to a talking-shop Assembly that is hamstrung by mutual veto." — [Official Report, Bound Volume 34, p288, col 2].

So, when we reflect on what was said during that debate and what is being said today, it seems that perhaps the Member would be best to stop "pretend politics" and instead get serious about politics, take some difficult and hard decisions and let this enabling legislation proceed. That would then allow other legislation that is required to be adequately scrutinised, and the issue could move forward.

Last week, Mr Basil McCrea complained that we did not have a two-stage process at Committee Stage, but, this week, his party says that it demands this process. It is, therefore, afraid of debating the matter at a later point.

Mr B McCrea: On a point of order, Mr Speaker. You have repeatedly directed Members talking on this issue that the debate is on accelerated passage for the Bill, not the substance of the Bill. I do not think that the last intervention followed that direction, and I would appreciate your consideration of that matter.

Mr Speaker: Order. I thank the Member for his point of order. It is important that, as far as possible, Members stick to the debate and do not stray from it. Sometimes, it is not easy for them to do that. Members can be tempted to stray beyond the subject matter. However, let us get back to the subject.

Mr McKay: Thank you, a Cheann Comhairle. I will try to stay on the subject.

Mr Weir: I thank the Member for giving way, and I am mindful of what the Speaker said about accelerated passage. Does the Member not find it a little strange that the opposition to accelerated passage comes from those Benches? As I understand it, at the Executive meeting on Thursday, the issue of accelerated passage passed unanimously through the Executive without opposition from the parties that now oppose it. I do not know; maybe there is a lack of communication there.

Mr McKay: I thank the Member for bringing it to my attention.

Mr Kinahan: Will the Member give way?

Mr McKay: I will give way in a moment.

I thank the Health Minister for supporting this Bill going through the Executive for accelerated passage. A bit of politicking is going on here. An election is around the corner. I find it surprising that the parties that oppose accelerated passage are supposedly in favour of a plastic bag levy. It has more to do with the fact that the issue was included in the draft Budget as opposed to the actual proposals, which I find very disappointing.

That is me finished. I thank Members for their contributions. I will give Mr Kinahan the last word.

Mr Kinahan: I thank the Member for giving way. Does he agree that it was only last Thursday that we got some vital information on the Bill and, in particular, on the environmental effects of the other types of bag and their uses? Had our Minister been aware of much of the debate that we had on the same Thursday as the Executive meeting, he might have voted differently.

Mr McKay: The issue has been considered by the Assembly and the Committee for the Environment. I first went to the Committee on the issue about two years ago. There has been a perfect opportunity not only for the Committee but for individual Members to consider the issue fully, to go to the Assembly's Research Services and ensure that they were across the detail of all aspects of the matter. If Mr Kinahan is referring to the concerns that cloth bags may pose major health risks, the experience in the South shows that the use of cloth bags has not been a major health issue there. It is a bit of a red herring.

Mr Dallat: Does the Member not agree that he seldom, if ever, turned up at Committee meetings to inform us of what this was all about?

Mr McKay: Any time that I indicated that I would come to Committee meetings, I did. There were a couple of occasions on which I was not aware that the Committee had put me in to attend, but we needed time to consider further the changes to the situation in which the draft Budget included proposals for a plastic bag levy and the Executive had indicated their support. We had a series of meetings to ensure that we got the legislation right. That is what we are in the process of doing.

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

Question put.

The Assembly divided: Ayes 57; Noes 33.

AYES

NATIONALIST:

Ms M Anderson, Mr Boylan, Mr Brady, Mr W Clarke, Ms Gildernew, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Mrs McGill, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms S Ramsey, Ms Ruane, Mr Sheehan.

UNIONIST:

Mr S Anderson, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Easton, Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

OTHER:

Mr B Wilson.

Tellers for the Ayes: Mr Boylan and Mr W Clarke.

NOES

NATIONALIST:

Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Burns, Mr Dallat, Mr Gallagher, Mrs D Kelly,

Mr A Maginness, Mr McDevitt, Dr McDonnell, Mr McGlone, Mr O'Loan, Mr P Ramsey, Ms Ritchie.

UNIONIST:

Mr Armstrong, Mr Beggs, Mr Cobain, Rev Dr Robert Coulter, Mr Elliott, Mr Gardiner, Mr Kinahan, Mr McCallister, Mr McClarty, Mr B McCrea, Mr McFarland, Mr McNarry, Ms Purvis, Mr K Robinson, Mr Savage.

OTHER:

Dr Farry, Mr Ford, Ms Lo, Mr Lyttle.

Tellers for the Noes: Mr Kinahan and Mr Lyttle.

Total votes 90 Total Ayes 57 [63.3]

Nationalist Votes 37 Nationalist Ayes 23 [62.2]

Unionist Votes 48 Unionist Ayes 33 [68.8]

Other Votes 5 Other Ayes 1 [20.0]

Question accordingly agreed to.

Resolved (with cross-community support):

That the Single Use Plastic Bags Bill [NIA 8/10] proceed under the accelerated passage procedure.

Single Use Plastic Bags Bill: Second Stage

Mr McKay: I beg to move

That the Second Stage of the Single Use Plastic Bags Bill (NIA Bill 8/10) be agreed.

Until someone undertakes the task of drawing up a private Member's Bill or any Bill, I do not think that they can truly appreciate the significant work that goes into that, including the formulation of and consultation on proposals, and the numerous meetings and discussions with interested parties. Of course, many private Member's Bills do not complete the legislative journey, and that is often because the Member has been successful in getting a Department or Minister to adopt or progress their proposals.

I wish to start by thanking the following groups and parties for assisting me during this process: the Business Office; the Bill Office; the Office of the Legislative Counsel; my party staff; the other parties and groups that support the Bill's aims; officials from the Department of the Environment (DOE); and the Minister.

Plastic bags are significantly visible in our communities as a form of litter. The Department has indicated that over 250 million plastic bags, which are a major contaminant in recycling, are in circulation, and the public want the problem tackled. In a couple of months' time, Wales will be the latest country to introduce a levy. We are all well aware of the success of the levy in the South, and numerous other countries have also adopted that measure to great success.

In November 2008, at the beginning of the process, Cathal Boylan and I brought a motion to the Assembly calling for the introduction of a plastic bag levy, which the Assembly at that time supported. I then decided to go down the road of a private Member's Bill because previous Environment Ministers had indicated that they would not move to introduce a levy. However, to be fair, when questioned further, those Ministers did not rule out entirely the possibility of introducing a levy. I made a further presentation to the Environment Committee on the broad objectives of my Bill, before starting the process of transforming those aims into clauses and legislation.

The process was informed by meetings that I held with a number of parties, including the permanent secretaries of the Department of the

Environment and the Department of Finance and Personnel respectively. Many councils, including those in Ballymena, Armagh, Limavady, Omagh and Dungannon, responded to the consultation in support of a levy, as did other parties, including Environment Link, Tidy NI, Shirley the Baglady, the Energy Agency, NIPSA and many others.

Members will be aware that I introduced my Single Use Plastic Bags Bill to the Assembly on 6 December 2010. My purpose in doing so was to bring forward legislation that could generate a significant reduction in the number of plastic bags going to landfill and littering our streets and countryside. In addition, the proceeds of the bag levy would provide a valuable source of funding for environmental projects such as the green new deal.

Mr Campbell: At an earlier stage in the process of the Bill, the Member talked about the complex nature of some of the problems that came before the Committee. Given the process of the Bill thus far, and, after today, if it transpires that the Bill requires significant alteration of its timing, introduction or the extent of the impact that it will have, will the Member still regard it as a significant success? Although it is a worthwhile objective that we all want to achieve, the complexities that the Member referred to earlier may become so numerous that the Bill and its effect will have to be diminished considerably.

Mr McKay: I thank the Member for his intervention. He has touched upon the flexibility or non-flexibility of the Bill. We were right to introduce a degree of flexibility into the Bill to ensure that we consult fully all the parties affected and ensure that we get it right. A number of issues need to be looked at closely, including that of how we collect the levy. We could have decided to allow councils to carry out that process. However, it is important that we look in detail at how much that would cost and at whether it would be better to bring it in-house to DOE or whether it goes to another organisation. It is important that price is taken into account, because that will have an effect on the total revenue going towards the green new deal and other environmental projects.

However, the primary purpose of my Bill is to reduce the number of plastic bags in circulation. It is important that whatever revenue is generated from the levy does go towards projects that benefit the environment. As I said earlier, that view

is shared by Friends of the Earth, which believes that the revenue raised from a proposed plastic bag levy in Scotland should be ring-fenced for environmental projects. The green new deal programme is especially worthy as it will not only help to make homes more energy efficient and to reduce our carbon footprint but it will reduce household energy bills at a time when many households are struggling financially. It will also create much needed jobs.

The green new deal should not rely indefinitely on levy revenue for part of its funding. Ultimately, we want to see the revenue generated from a levy go down as consumer behaviour changes. However, in the initial period of introducing a levy, revenue will be generated, and that should go towards environmental projects. We should aspire to meet the funding requirement for a green new deal housing programme in its entirety and divert other funding streams towards that. The plastic bag proposal is only the start. The green new deal is also a key part of a jobs plan that was recently launched by a consortium of groups including NIIRTA, the IoD and the Construction Employers Federation.

After I introduced my Bill to the House, the Executive adopted the proposals for a plastic bag levy, as was announced in the draft Budget in December.

It will come as no surprise that I very much welcome that decision since it is consistent with the position that we have advocated for quite some time.

4.00 pm

I will give Members a brief overview of the Bill, summarise its key features and advise of my plans to amend it, given the fact that the Executive have adopted the proposal. As currently drafted, it includes provision for a charge on single-use plastic bags. It also requires suppliers to pass on the charge to their customers and forward the proceeds, which are to be used for environmental purposes, to the Department of the Environment (DOE). In addition, the Bill establishes offences of failure by suppliers to impose the charge or to comply with their duties under the legislation. Finally, it makes councils responsible for the monitoring and enforcement of the new arrangements in their district. That is a very brief summary of my Bill as currently drafted. However, things have moved on considerably in recent weeks since the Budget announcement.

The Department of the Environment will have responsibility for establishing the detailed operational policy in relation to the levy and for making the required subordinate legislation. In the weeks following the Budget announcement, I met the Environment Minister as well as officials from DOE and the Office of the Legislative Counsel to discuss the legislative requirements for a bag levy. As the Environment Minister and the Executive have indicated their support for a carrier bag levy, I have decided to amend my Bill. I propose to bring forward those amendments at Consideration Stage. At this stage, however, I will explain briefly the substance of the amendments and the rationale for them.

Members will be aware that the Climate Change Act 2008 already makes provision for a carrier bag charge. The Act confers powers to bring forward extensive subordinate legislation in that area, including provision for a charge on all single-use carrier bags. The Act does not, however, provide for the moneys raised by the charge to be retained by the Department of the Environment. I see merit in an approach that would enable the Department to use regulation-making powers that are already available under the Climate Change Act, so I propose to redraft the Bill to incorporate additional provisions in the Climate Change Act specific to the North.

Mr Beggs: The Member has indicated that he is already making significant redrafts to his Bill. Does he not agree that there should be an opportunity for the public and the Committee to carefully scrutinise what he proposes so that we get things right, rather than force things through at the last minute and get legislation wrong, which has the potential to harm parts of the environment rather than bring the benefit that he envisages?

Mr McKay: Had the Member been listening, he would have heard me outline the fact that legislation is already in place under the Climate Change Act. Most of the issues and concerns that parties have raised are about legislation that is already in place. The Bill will change significantly, and a handful of clauses will go through when it reaches its Final Stage. The Member should bear that in mind because the issues that he has outlined are about legislation that is already in place.

Mr McGlone: On a point of clarity, the Member is saying that the legislation is already in place as part of the Climate Change Act. However,

unless I picked them up wrong, officials, when they attended the Environment Committee last Thursday, suggested that an amendment to that Act would be required.

Mr McKay: Absolutely, but the final decisions on the price of the levy, how it is brought in and who is responsible for collecting it will be brought in under the Climate Change Act, which is already in place. The Climate Change Act will be changed to ensure that the revenue that is raised will go to the Department. That is the key element of the legislation. If that were not put in place, the levy could be introduced without the fund going to the Department of the Environment. There would be a significant shortfall in the Department's funding, which we should bear in mind.

I see merit in an approach that enables the Department to use regulation-making powers already available under the Climate Change Act 2008. Therefore, I propose to redraft the Bill to incorporate additional provision specific to the North and to the 2008 Act. As I said, a number of existing clauses can be removed from the Bill, and I will remove them on the basis that the more detailed legislative framework will be established through subordinate legislation. Such broader, enabling powers will allow the Department to conduct further research to determine precisely how to implement the charge and provide for that in regulations. For example, the 2008 Act provides for a charge to be levied on any single-use carrier bag, whether made of plastic or other materials. The Department can, therefore, consider whether a charge should be applied to other bags and, if appropriate, introduce that through regulations.

In its draft Budget response, sent to all MLAs, Environment Link indicates that it wishes the levy to include other single-use bags, not only plastic ones. There is a mixture of views, but many environmental groups have indicated that we should also look at paper bags, and so on. That should be considered by the Department before all this is finalised. I have already referred to the British Retail Consortium's view that the Bill should not apply only to plastic bags.

In summary, I advise Members that I propose to amend my Bill at Consideration Stage to confer broad, enabling legislation for a bag levy. The Department will be able to research all options for the future introduction of charging arrangements, with a view to identifying the

most effective and efficient approach. I will also be able to draw on the extensive regulation-making powers available under the Climate Change Act. Finally, the Department will have the opportunity to conduct a full public consultation on its proposals. I hope that I have given Members a broad perspective on the Single Use Plastic Bags Bill and my plans to amend it.

The Chairperson of the Committee for the Environment (Mr Boylan):

Go raibh maith agat, a Cheann Comhairle. As I mentioned in the previous debate, the Committee received a briefing from the sponsor of the Bill at its meeting on 17 February. It then requested a departmental briefing, which took place on 24 February. Committee members will fully support me in saying that we are not of one voice on this issue. Indeed, some Committee members have routinely and consistently voiced opposition to a plastic bag levy, while others have always seen the positive side of the proposals. I am sure that that difference is reflective of the House, and I have no doubt that we will hear of a range of positions during the debate.

The Committee has discussed the plastic bag levy several times over the past two years. However, in recent weeks, we have found ourselves no longer arguing just the merits and disadvantages of a plastic bag levy from an environmental point of view, because there is also now an economic argument. It is fair to say that we are discussing the Bill today as a result of the Executive seeing its potential to generate revenue. The Department stated that the anticipated windfall from a plastic bag levy is a key component of revenue generation to fund some of its environmental programmes. That relates directly to clause 2, which refers to a "Central Environmental Fund" to be established by the Department with the aim of managing revenue generated by the levy.

We are here to discuss the Bill's policy principles as introduced by the sponsor, but he and the Department have advised the Committee that the policy principles can be significantly met through existing legislation: the UK Climate Change Act 2008. However, a plastic bag levy introduced under that Act would not permit the funds collected from such a levy to go to the Department. Thus, that aspect is of critical significance.

The revenue generated by this levy, estimated by the Department to be around £4 million, has been earmarked by the Department to ensure that key environmental programmes, such as river restoration and programmes that address environmental noise and fly-tipping, to name but a few, can be carried forward from 2011-12.

The list is long and includes programmes that, if not delivered, could lead to infraction proceedings from Europe. Therefore, the Committee was understandably worried that that revenue-generating scheme is not yet in place and has no guarantee of producing the suggested amounts of funds proposed if and when it comes into force.

Some members of the Committee saw the irony in the necessity for the consumption of plastic bags to continue to fund the departmental environmental programmes that otherwise might be under threat because of budget cuts. However, we are where we are, and, as we all know, we are living in austere times. Regardless of the use of the levy that will ultimately be generated, the Bill has an intrinsic environmental benefit: namely the reduction in the use of environmentally harmful and unsightly plastic bags.

The House recently considered the Clean Neighbourhoods and Environment Bill and has approved actions to address litter at local council level. The Single Use Plastic Bags Bill should be seen as a contribution to achieving clean neighbourhoods and healthier environments, not solely as a tax to plug holes in the Department's budget. No area is unblemished by the absence of plastic bags. Indeed, according to the Department, in 2009-2010, 189 million single use plastic bags were handed out by the major supermarkets in the North. That means that every person here used almost 100 plastic bags during that period. However, the initiatives taken by the supermarkets to reduce plastic bag consumption should be acknowledged, be it by awarding customers with loyalty points or encouraging bags for life, which most large retailers provide for a nominal cost and which can be used again and again. The Minister highlighted that last September at the beginning of Need a Bag? week.

I know that Mr McKay's intentions are focused on the primary environmental benefits of the Bill and that he considers any other benefit to be secondary. It is supported by those who see the

benefits that it will undoubtedly bring. However, some members are increasingly concerned that it is more like a tax. I hope that I have been able to outline the pros and cons as the Committee has seen them during its deliberations on the Bill. Members have already asked questions of the sponsor of the Bill and of departmental officials. A lot of work still has to be done on the Bill, and a lot of questions still have to be answered. As I mentioned earlier, that resulted in misgivings about rushing the legislation through the House. As the Committee is split on the Bill, I cannot give a definite Committee position on it.

With your indulgence, Mr Speaker, I will say a few words as a Newry and Armagh MLA, Sinn Féin member and supporter of the Bill. I want to pick out a few elements. The sponsor clearly outlined that there is work to be done, but any of us who has been involved in a Bill going through the House knows that secondary legislation flows from primary legislation. Mr McKay stated that there will be some issues with that.

However, the broad principle of the Bill is to introduce a levy, which I support, and that levy should try to deter people from using plastic bags. The other environmental benefit was clearly outlined by the sponsor. We need to strike a balance. Through different legislation, we have had to introduce fines, and there needs to be a balance between the levy and deterring the use of plastic bags. I welcome that part of it.

Mr McKay then talked about an issue that the Committee was not aware of: the actual transfer of the moneys when we generate funding through this measure. He clearly outlined that issue, which is a key element. During the Committee debate, some members clearly outlined that and were concerned about it. However, there is a shortfall in the Budget for the years 2011-15, and we need to look at ways of trying to bridge that gap and tackle environmental issues. The two main elements of the Bill are the introduction of the levy and how we collect and use it. So I support the sponsor of the Bill and its Second Stage.

Mr Kinahan: I am pleased to speak once again on the Bill, and I congratulate Daithí McKay on it. It has the right idea but goes about it in the wrong manner. He said that Friends of the Earth are behind the Bill and hinted that the Northern Ireland Environment Link and others are behind

it. I have yet to see the detail of those groups being behind the Bill exactly as it is now.

I go back to the point that it is the right idea being done in a shoddy way without proper consultation.

4.15 pm

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

Mr Beggs: Will the Member accept that, given that significant changes are already under way, it is highly unlikely that those who may have indicated support for the Bill will know what is ahead of them and that they may well change their view?

Mr Kinahan: That is an extremely good point. By putting the Bill through accelerated passage, a whole mass of people who should have had a say on the Bill and who should have been able to guide us will no longer be able to have their say.

The Ulster Unionist Party —

The Chairperson of the Committee for the

Environment: I thank the Member for giving way. In light of what the Member's colleague asked, will he recognise that the broad principle of the Bill is to introduce a levy and use that levy properly? That is what we are discussing today. The Member has been on the Committee with me as we have gone through a 248-clause Bill and agreed a Committee report. We are relying on secondary legislation for that Bill. Will he respond to the point that the broad principle of this Bill is the introduction and distribution of a levy?

Mr Kinahan: I thank the Chairperson of the Committee for that point. I agree with the Bill's broad principles, but, today, it appears that what is being called secondary legislation will be nearly more important than the primary legislation, which will make the Bill itself secondary. The Bill does not deal with the matter properly by having good consultation.

As I have said before, the Ulster Unionist Party is not against the principles of the Bill; we just have enormous concern about how it is being put in place. As with all Members, we want no plastic bags — none — to litter our countryside. That is where the idea behind the Bill is right. We want better education for everyone on the reuse of bags and recycling, and the Bill does not go into that. If the Budget is accepted, we want the more than £4 million that will be raised

from the proposal to fund properly the six areas in the departmental environment work, such as water quality, fly-tipping, marine matters, noise and so on. We want the Bill to work, but, if you think —

Mr McKay: Will the Member give way?

Mr Kinahan: I am happy to give way.

Mr McKay: The Member raised issues that he believes should be included in the Bill, including education on recycling. Those issues should be and are pursued by the Department and others. When I originally consulted on the Bill, I sent a letter to every MLA, and the Member did not respond to raise those issues with me.

Mr Kinahan: I thank the Member for the interruption. I do not remember seeing any letter. The details of the Bill, with the proper arguments on how the Bill affects the environment and many of the other matters, really got to us in the current format only last week.

The Ulster Unionist Party supports the idea of the Bill, but it is not being properly consulted upon, and the process is cutting out all the people who should have a say. The Assembly works at its best with proper scrutiny and advice from all of the outside agencies and stakeholders. We are skipping through that.

The very worst side of what the Bill is trying to cure is the problem of the blue plastic bag, which chokes seagulls and is coughed up by farm animals. That leads on to black bin bags that are dumped in sheughs and in rivers. We want an end to rubbish around the countryside, but we do not feel that the Bill is doing that in the best manner.

I am grateful to the Library and Research Services staff for the notes that they have given us. I propose that we adopt the Danish system, where the levy is enforced on retailers when they buy the bags rather than on the final consumer. That, therefore, leads to the costs being absorbed throughout the business rather than being put straight on to the consumer. It is good to know that, in Denmark, the use of plastic bags has gone down by two thirds, but that is all the information that we have. There is a mass of more information on the Danish system that we need, because I am sure that the Member would agree that, if that system works better, that is the route we should go down.

The Scots voted against it, and the Welsh have now adopted it, but we need to see it in more detail because they too were against it initially. We are against the lack of consultation. We have been told today in many cases that the Bill will change substantially, so why on earth bring a Bill in now when it could be brought in early in the next Assembly. It could be in place by September in a manner that we all support.

We have talked of many redrafts and of lots of questions yet to be answered. We know that major change is coming, and the definition of the single-use plastic bag may change. It may become a paper bag or it may become more than a single-use bag, but, with each of those headings, we need to consult properly. We need to know the effects on the environment and on businesses. One person who produces bags told us that, in the way that it is coming at the moment, 450 jobs are at risk. We cannot afford to put more people out of work at a time when there are no jobs. We also know the pressure that it puts on the environment and on councils. One of the changes being talked about is the 15p charge. We would like to know more about that. If people were to be charged 5p, 10p or 20p, what effect would it have not just on the Northern Ireland Budget but on the environment and the economy? We want to know more about a great deal of things.

We accept that there needs to be changes in the Bill from the central environmental fund, so that we can work through climate change, and we look forward to seeing that. However, we also need to know more about suppliers' duties, details and how it will all be put in place. It is all very well saying that we could use a receipt or invoice system or pay the levy within 28 days. Those are all easy things for a big company to do, but it will add to the cost of business for a sole trader who does not have good computer systems or lots of people to help him. At a time when VAT is higher, national insurance is higher, and fuel costs are higher, it could be the killer blow to many businesses. From listening to the radio this morning and from the lobbying that went on over the weekend, we know that NIIRTA is totally against the Bill. If the small retail trade world is against it, surely we have got it wrong.

Mr McKay: The Member referred to the fact that NIIRTA is against the Bill, but that does not mean that every single retailer is opposed to it. I have come across a number of retailers who are supportive of it. Indeed, when the levy

was introduced down South, Feargal Quinn from the Superquinn group was totally opposed to it, but he realised that his fears were unfounded, and he is now a great supporter of it. So, I understand that there are concerns, and we should work to address those concerns, but most retailers in the South have found that the levy has had either a positive or neutral effect on their livelihoods.

Mr Kinahan: I thank him for that information. It is strange information —

Mr McGlone: Will the Member give way?

Mr Kinahan: Yes.

Mr McGlone: I hope that the Member to my right is not suggesting that NIIRTA is not representative of small businesses and shops right across the North. I have been taking various soundings from businesses and shops across the North, and they have told me that they want more time to talk the thing through, to listen to what is happening and to see how it could work. If you go down the streets in the likes of Dunloy, Rasharkin or Ballymena, you will probably hear similar views. You might hear mixed views, but if the people in those areas are anything like the constituents who I represent, which they are, I suggest that you will hear similar views.

Mr McKay: I met Glyn Roberts from NIIRTA to discuss those issues, and he is aware of retailers who support the levy. So, there is a mixture of views out there, and that should be taken into account.

Mr Kinahan: Thank you for the various questions. However, it still comes down to the basic point that, if NIIRTA was willing to go on the radio on a Monday morning, its reading of the situation is that the bulk of its supporters are against it. Many people will see this Bill as something that will work, but we know that a lot more consultation is needed.

I will move on to the Bill's effect on councils. The intention in clause 4 is to put a lot of the work on to councils so that they are the monitoring and enforcement body. Now we are told that that, too, might change. We desperately need to make sure that we consult the councils. We already know from most of our other work on the Environment Committee that the councils are under huge strain. They lack resources and need training and much

more guidance on where they are going. That is particularly true when we consider the potential legal complications of enforcement. Councils need to know a great deal more, and we need to consult them in particular.

The clauses on offences and the schedules are relatively straightforward, and schedule 1, in particular, is filled with what I would call the road to good intention: promises and promises. It states the intent to “assist, support or promote” a “reduction of waste”. Don’t we all? Schedule 1 also refers to establishing and equipping the operation to improve reuse and recycling. It contains masses of good stuff. However, the legislation deals with an enormous area, and we need to consult and ensure that we get it right, rather than pass an enabling Bill only to find that all councillors and councils react against it when they realise that they did not know what was coming down the line.

We need to know the costs involved and what resources will be made available to the councils. Last week, for example, I had a meeting about a different but related matter connected to the Welfare of Animals Bill. Each council is due to receive from the Department of Agriculture and Rural Development (DARD) some £29,000 or £30,000 to deal with the consequences of that Bill. However, a single Mallusk-type incident involving a load of horses results in a bill of £100,000. The councils want to know what the baseline is and where they will get resources from in future, particularly when they have yet to decide on the review of public administration (RPA).

I am grateful to staff from Library Service for all their work on the effects on the environment of such legislation. From the experience in Ireland, we know that the passing of a similar Bill increased the use of black bags, which are the worst for the environment. The use of paper bags also increased. As we know, the volume of paper bags is much higher, and, in this case, they were four times worse for the environment because of the increased transportation, petrol, fumes and all that goes with that. A paper bag cannot be reused. Once it gets wet, it is rotten. We also know from the report that there are such things as biodegradable plastic bags. However, when we look into the detail, those must be allowed to degrade in the right conditions, which are unlikely to be put in place. I return to the point that the Bill tries to do the right thing in the wrong way.

Another alternative is the cloth reusable bag. In our briefing, we were told that cloth bags were good and that we could make and use our own but that their active microbial habitat, which means that they breed germs, was unhealthy. However, that was another one-liner. I wanted to know more. I want to receive a proper brief so that we know which bags to encourage the public to use.

Mr McKay: Second Stage is about the broad principles of the Bill and whether parties support them. The Member said that he supports the aims of the Bill. However, from the arguments that he outlines, it sounds as though the Ulster Unionist Party is totally against the principle of any form of levy on plastic bags.

Mr Kinahan: I do not think that the Member is listening to me at all. He must have dozed off at points in the middle of my contribution. We like the idea of the Bill. The key point is the lack of consultation. Accelerated passage means that there will be no consultation, so the Bill will go through as a shoddy job.

The Ulster Unionist Party wants the tax and levy to work. We want the £4 million to be made available so that we can move on and deal properly with environmental matters. We want the repatriation of waste that is illegally dumped around Northern Ireland. The bills for that are enormous, yet the Bill aims to raise only £4 million. We want quick, efficient action on illegally dumped waste and the stopping of fly-tipping.

Again, if finance is not available for that, the problem will fester and get worse. My party wants to see proper mineral mapping and planning of extraction of minerals so that one extraction does not spoil another. We want to ensure that that is done sustainably. Why do I raise those points? I raise them because they are the key areas that are to be financed by the £4 million. We have got to get the Bill right. It has to protect the environment at both ends.

4.30 pm

From both Europe and the UK we need to have a proper programme of work to protect and develop the marine environment in a sustainable way. We also know that we want total compliance with the environmental noise directive. The Bill is meant to pay for all those things, yet we are determined to put it through shoddily. Finally, on those issues, my party

wants to see an improvement in water quality and the ecological status of all rivers. I always raise the issue of the Sixmilewater river, which has now been polluted some five or six times. We want to help fishermen. We want to help wildlife. We have got to get the Bill right and put it in place.

We in the UUP want to see all of that happen properly, with discussion and proper consultation, so that the Bill is effective. There is a sneaking suspicion that a Sinn Féin/DUP deal is going on here. We know that many DUP Members are against the Bill, yet half of them are not in the Chamber. We see a Bill that is not being put through the House properly and in the right way. If the Bill were brought back at the beginning of the next Assembly and went through proper consultation, it would be written, finished, introduced and working by September. We oppose the Bill.

Mr Dallat: If, as the previous Member suggests, there has been some kind of deal, then someone has bought a pig in a poke. The Bill has changed so fundamentally since it first appeared in the Committee for the Environment's papers that it is unrecognisable. Earlier, I was critical of Mr McKay for not being at Committee meetings frequently to brief us on the Bill. In fact, the Bill has changed so much that it really would have made no difference if he had been there.

The 15p charge seems to have disappeared completely. I am, probably, relieved at that because, as the Member who spoke previously said, the original intention was to raise money for environmental protection issues. I worked out that, at 15p per bag, around 3.8 billion bags would need to be put into circulation to pay for the environmental work that needs to be done to riverbanks, to create a strategy for the environment and so on. Therefore, from that point of view —

The Minister of the Environment: Will the Member give way?

Mr Dallat: I will in a second. I am sure that the Minister will have every opportunity to reply. Let me get started at least.

The Minister knows fine well that I am very much against landfill sites, particularly the one that he approved in my constituency recently. Therefore, I am in favour of anything that stops material going into landfill sites. To be honest, when I was outside the debating Chamber,

I read a rather interesting article that was produced by Belfast City Council, which stated that something like 1.5 million disposable nappies, which are made of plastic, of course, go to landfill sites every day. It takes one cup of crude oil to produce one nappy. During the nappy-wearing years of a child, five large trees are chopped down to produce the pulp for his or her nappies. Therefore, we all have a role to play in environmental issues. Certainly, my party —

The Minister of the Environment: Will the Member give way?

Mr Dallat: I think that I might have to give way, rather than listen to the chat across the Chamber. I will give way in a second or two, of course, Minister. Settle yourself down, there. You will be all right.

Mr Deputy Speaker: The Member should know fine well that all remarks should be addressed through the Chair.

Mr Dallat: I know that I am not allowed to rebuke you, Mr Deputy Speaker, but I did not start it.

It is a serious issue. When it is properly discussed and debated, the proposer of the motion will find that my party will back a realistic proposal and Bill enthusiastically. The current Bill is deficient in so many ways that it would be irresponsible to back it. It would not be in the interests of the wider community, who are waking up to the environmental problems that we face. I will give way to the Minister, because I would not want to spoil things.

The Minister of the Environment: I thank the Member for giving way. I do not know about the mathematics of it all, but 190 million bags are used currently. If we had a 10p levy, for example, and the usage did not decrease, we would raise £19 million. If usage reduced by 75%, we would raise close on £5 million. Although that would not resolve all the issues, it would make a contribution to resolving issues. I do not know how Mr Dallat arrived at the necessity for 3.8 billion bags. It is a bit of an exaggeration.

The Member also mentioned nappies. I do not think that we are going to introduce a baby ban, and I am not sure whether the Member has anything in common with nappies.

Mr Dallat: I have qualifications in mathematics. I gave way to the Minister, but I am surprised that he raised the issue, since he does not

even know how the money that was promised in the draft Budget for spending on environmental issues could be raised. It has been promised that £4 million will be made available to look after the environment in the next four years and that all of that money will be raised from plastic bags, but we do not know who will raise it. I know that somebody scurried off to talk to Revenue and Customs, but it did not know a thing about it. Then the poor old local councils were approached. Perhaps they would send round the bin men to collect it; I do not know. The mathematical equation that has been queried is totally superfluous, because we have no idea how the money would be collected.

We will support any Bill that is realistic, credible and properly scrutinised. People in the outside world believed that they were voting for an Assembly that would be democratic and would discuss issues with people, particularly the small shopkeepers who were mentioned earlier, who are on the breadline and are struggling to survive the onslaught of the large supermarkets. They should have had a say in this, but they have not. That kind of democracy frightens the wits out of me, and it frightens people in the outside world who believe that we have got a kind of empire here that does not feel the need to discuss even the simplest of issues, such as plastic bags. That is scary; I want no part of it. I will back a plastic bag tax, of course.

Mr Weir: Are you not running again?

Mr Dallat: Peter, I have finished. You will get your chance to speak. There are little cards over there; you can put down your name if you wish to speak.

Mr Weir: Will the Member give way?

Mr Dallat: For you, Peter, yes.

Mr Weir: I note that the Member indicated that he wanted no part of this, and he referred to this tarnished democracy. I presume that that means that he is not going to run again for the Assembly.

Mr Dallat: I am delighted that Mr Weir has given me the opportunity to announce that I am a candidate for the forthcoming Assembly elections.

Mr Lyttle: I start by agreeing with Mr Dallat. For some unknown reason, we have moved to complicate what should be fairly straightforward legislation and have tied ourselves in knots.

With regard to what we have seen today, I will call a spade a spade. It is not uncommon, but it is a gross irony that the Democratic Unionist Party, which is supposedly opposed to the Sinn Féin strategy, is singlehandedly fast-tracking a Sinn Féin private Member's Bill through the House in time for the Assembly election in May. That is a strange development.

Let me be clear: the Alliance Party is a firm supporter of the principle of environmental protection and any legislation that will encourage greater reuse or reduction in the use of plastic bags. However, my party opposed the accelerated passage of the Bill. I share the concerns of other Members on the level of scrutiny that the Bill has had and on the fact that it was blocked from full consultation and evidence gathering earlier today. As another Member has mentioned, evidence gathering from small and medium-sized businesses in this community, which the DUP and Sinn Féin regularly claim to represent, was blocked.

Mr McKay: I do not know how many times I have to say this: when the Bill is in place and the regulations are carried out, the impact that it has on small and medium-sized businesses will need to be taken into account. I fully recognise that, but, when the price of the levy has been put in place and the system to collect the revenue has been put in place, it will be put through in regulations under the Climate Change Act 2008, which has already been put through, so that is not going to be included in the Bill. There will be a full consultation with all those parties over the coming year.

Mr Lyttle: I thank the Member for his intervention. I think that just creates more confusion about why it could not go through the normal consultation processes of the Assembly.

Mr McKay: Will the Member give way?

Mr Lyttle: No, I am not giving way; I will move on.

The Alliance Party has long held the view that a levy that is clear in its remit and encourages the reduction of plastic bag use would be a positive development, but we have concerns about certain aspects of the Bill, not least the confusion that it has caused among local traders, despite what the sponsor has said today.

Although voluntary bag-for-life schemes introduced by many retailers have worked and reduced the number of plastic bags used, evidence

has shown that a levy could go even further to reduce our use of plastic bags. Indeed, a University College Dublin (UCD) review published in 2007 found that the Irish decision to introduce a 15 cent tax on plastic shopping bags has led to a reduction in use of approximately 90%. The system also found ways to keep administration costs low, at approximately 3% of revenues, as it integrated reporting and collection into existing VAT systems. The response from the public and the retail industry was therefore largely positive. Indeed, many retailers found that they were making significant savings as a result of the levy.

Crucially, however, the UCD study found that extensive consultation with the public and retailers was central to the usefulness of the policy. As my party supports the levy, I therefore welcome the fact that the sponsor has clearly stated today that the Bill will take heed of the significant and substantive concerns raised by members of the public and the business community and will take those into account to improve the clarity and provisions of the Bill.

Obviously, the long-term aim of the policy is to reduce plastic bag use, which will eventually negate its revenue raising potential. However, in the meantime, if funds can be raised, I would welcome their redirection towards the green new deal, particularly the housing insulation schemes, which could provide much-needed jobs for construction workers at a difficult time and help to tackle fuel poverty among the most vulnerable in our community.

Mr Savage: I have serious concerns about the Bill. How can one define a single-use plastic bag in comparison to a multi-use plastic bag? Like many in the House and many householders across Northern Ireland, I reuse the plastic bags that I receive from purchases made in supermarkets or the corner shop, for example.

The reality is that, no matter how one considers the matter, it is another form of taxation, and one that will bring an added layer of bureaucracy for small businesses and independent retailers. Those independent retailers across Northern Ireland are already bound by more than enough red tape, and they will face additional costs, as there will be something extra to be audited, along with the cost of preprogramming their tills. It is my view and that of my party that extensive consultation on the matter is necessary to allow

all key stakeholders to have their say on this important issue.

The impact of plastic bags on our environment is a matter on which all sides of the House share real concerns. The question remains as to how best we address the issue. I suggest that, without consultation, the issue will not be dealt with properly. We ought to have an in-depth examination of the costs surrounding the Bill. How much will it cost the Department to establish, maintain and audit the proposed central environmental fund?

4.45 pm

A lot has been made about a deal between two parties. I do not care whether a deal has been done between two parties. This issue is of major concern to us all. There is also the matter of what the Bill will cost in administration, manpower and jobs and for local councils to police. Those issues remain unanswered but need to be addressed urgently and would inform the consultation that ought to take place.

Consideration also needs to be given to the indigenous industries that manufacture plastic bags. Two are based in my constituency, and they contacted me to voice their concerns. They want to have a conversation. They do not want to dictate; they simply want their point of view to be listened to and taken on board. With that in mind, I reiterate the need for full, external consultation, because the Bill has wide and far-reaching implications for the Department of the Environment, councils, businesses and householders across Northern Ireland.

I am concerned that the Bill is being promoted as a green initiative. Plastic bags account for only 0.3% of landfill waste and minimal amounts of roadside litter, most of which comprises bottles, cans and fast food packaging. Polythene bag production also uses much less energy than alternatives such as paper and requires significantly less transport and storage. Carrier bags can be produced with 70% less plastic than 20 years ago due to thinner materials that are still strong and durable. Why penalise an industry that has achieved massive resource minimisation and has an excellent recycling record? Degradable and biodegradable polythene, as well as recycled polythene, offer good alternatives. If the levy is genuinely aimed at promoting environmentally friendly practices, why are those excellent alternatives not being considered as exempt from the proposed levy?

I also seek clarification on the definition of "single-use plastic bag". Statistics show that 80% of people reuse plastic carriers, so they cannot be deemed as single use. Banning them will simply displace demand onto other types of bags.

Until full and detailed consultation is carried out on the Bill, neither I nor my party will be in a position to support it. The two firms in my constituency employ more than 30 people and have grave concerns about the outcome of this debate. Jobs are jobs, and we have to think seriously about that.

Mr Beggs: Will the Member agree that the speed with which this legislation is coming through does not allow manufacturers and retailers to look at alternatives and to plan ahead to introduce those efficiently? There are huge dangers in introducing such legislation with such speed.

Mr Savage: I want to see this legislation go through but in a proper manner. Those businesses in particular, only two that I know about, want to work with the Committee, but they want time to convert. Mr McKay raised other issues that are minor and trivial. We could be lumbered with the decision we take today for many years. I hope that Members will give those points due consideration.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. It has become increasingly clear that the one thing that is absent from the legislation is clarity. The more talk there is about the Bill, the more that clarity is diminished.

The SDLP is deeply committed to the environment. It is deeply committed to seeing clean neighbourhoods, deeply committed to seeing graffiti dealt with and deeply committed to seeing discarded plastic bags being cleaned up. All are such an assault on the countryside and the environment. However, given how the Bill is being dealt with today, it is little wonder that small businesses are asking what is going on. When there is such distinct lack of clarity, it is little wonder that Friends of the Earth is saying something similar.

Even though the Bill is being trundled through using accelerated passage, there is not one DUP Member behind the Minister. From speaking to some of those Members, I know that they have genuine concerns. The same concerns are being relayed to them by retailers and small

businesses over the haste with which the Bill is being progressed as are being relayed to us.

A number of issues have come up, but a multitude more probably still have to be discussed. Those issues should, as colleagues have outlined, have been dealt with in the proper manner. For example, the Bill should be there to write its aims out of existence. Is it being treated as a Bill to tackle environmental issues, or is it being treated as a source of revenue? If it is being treated as a source of revenue in the draft Budget, as the Committee heard on Thursday, there could be issues for the EU. Has that been factored in or even considered? No, it has not.

HMRC has been referred to. After Thursday's Committee meeting, it was apparent that we still did not know how such a levy should be lifted. Would it be lifted or collected? We heard a tantalising amount about how the levy would be enforced: the duty will be handed over to councils. What will be the extra cost to ratepayers? That is the nub of the issue and why the Bill should have been properly consulted on. That is why the Committee should have been dealing with the Bill and why a host of stakeholders should have been invited to give their opinion, from Friends of the Earth to NIIRTA, from small businesses to retailers and small shopkeepers who have as much right to have a voice here today as anyone else. Those people should have been given the opportunity to discuss and listen to the arguments about the Bill as it goes through its legislative stages.

Listening to Mr McKay as he moved the motion, I was not sure whether it was his Bill or the Department's Bill. I am still unsure, which probably explains why we have such a distinct lack of Members present. I am speaking because I am concerned that what is happening is a recipe for bad legislation: improper scrutiny; not listening to the issues; and not readjusting our position to adapt the legislation to address the concerns of people in the community who have a deep interest in getting it right. Those of us who are concerned about the Bill want to see, as we always do, legislation that has been got right and adapts itself to the needs of the community, which, in this instance, are environmental.

People have to be and should be listened to. When I go home today, a shopkeeper may ask me what happened today. All that I will say is that a Member stood up and, with the support of

the DUP trundled through accelerated passage of a Bill on a levy for plastic bags. The shopkeeper will ask me for more details, but I will be unable to give any more detail because the Bill has not gone through the proper process.

An analogy of the situation occurred to me earlier. It is a wee bit like buying a car from 'Auto Trader' based on a blurred picture, without knowing the mileage, without knowing what shape it is in, without knowing its condition and without knowing its price. That is the only analogy that I can think of. Forgive me, but I am probably showing my roots as the son of a garage man.

I have highlighted issues with the Bill. We should be looking forward to more detailed scrutiny of the Bill, but it is clearly not there. For whatever reason, the Bill is being trundled through the Assembly. I hope that we will not have to live with the consequences of the Bill. We do not want bad legislation going through the Assembly. Indeed, the reason why we had devolution in the first place was to prevent bad legislation that was not consulted on and did not listen to the views of the communities that we represent. Thank you very much, Mr Deputy Speaker, for affording me the time on that.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. It is an interesting debate, and Members have come at it from different perspectives. I have always supported a levy on plastic bags, and I pay tribute to my colleague Daithí McKay for persevering with his private Member's Bill.

We must focus on the reasons why we are targeting plastic bags. One of the main reasons, which other Members touched on, is the littering of the environment and the cost to councils in cleansing that litter and the damage to our rivers and waterways. During a previous debate on the Waste and Contaminated Land (Amendment) Bill, the contamination of recycled material was also discussed as a major problem, and it was suggested that the Department needed to do more to help to eradicate that problem. However, the Members who raised that issue are now criticising the levy on plastic bags, which will ensure that we have better recycling.

Members discussed the impact of the Bill on small businesses, and I agree with where they are coming from on that. We need to consult small businesses and take their views on board. However, there was consultation on the issue

through the Committee for the Environment, going back a couple of years, long before I became a member of it. There are models of good practice in the South of Ireland, where a plastic bag levy is in place. If there are any measures that we need to improve on, we have the opportunity to do so.

Sinn Féin lobbied throughout the current mandate for a plastic bag levy. Indeed, even before this mandate, I lobbied Angela Smith, the then direct rule Minister with responsibility for the environment, which gives Members an idea of how long we have been talking about the issue. We have a good understanding of what is required by the legislation, and the regulations that will be introduced at a later date will ensure that we have good legislation.

We want to reduce the number of plastic bags that go to landfill and litter our streets and countryside. Visitors here cannot believe how dirty our countryside and our rivers are. We have to decide who takes responsibility. Councils are not responsible for removing plastic bags from rivers. The Bill deals with an issue that cuts across all Departments and can ensure that the experience of locals and visitors will be improved. It will also improve the tourism sector and the experience that we provide.

It was always my view that any levy that was introduced must be ring-fenced for environmental projects. There is a clear rationale for that, and there should be a return for schools, community groups and others who carry out those projects. The proposal that we have here is the green new deal, which is a worthy environmental project in its own right. That will see more homes being made energy-efficient, and it will tackle fuel poverty and provide a stimulus for job creation, which is important at present.

There is a need for exemptions in the Bill and in the regulations. Many have lobbied me on that issue and made good arguments about why they want to be excluded from the levy. Those who lobbied me include owners of shops that sell vegetables, fish or meat.

Dog-fouling bags, nappy bags and bags for medical or pharmacy products could also be exempt.

5.00 pm

Members have talked in great detail about what we should use instead of plastic bags. I

do a bit of shopping every now and then, and I shop in many stores, including Lidl. Lidl stores leave a supply of boxes for customers to use to take their produce home. You would not even think of buying a plastic bag from that store. It is a proven method of shopping that is carried on throughout Europe. People are not up in arms about it, and they still use those stores. There are models of good practice, and, if the alternatives are there, people will use them.

As I have said, we can look at reusing boxes and using foldable plastic boxes. However, the cloth bag would probably be the preferred option for many shoppers. There will be no cost involved for shoppers. If they do not wish to obtain a plastic bag, they do not have to. Customers will take a reusable bag when they go shopping. There will be no cost to businesses, and there will be no cost to the consumer. The levy in the South has been a massive success; as other Members have said, it has reduced the use of single-use plastic bags by 90%.

Government and the Department must prepare the public, and there must be support for an advertising campaign to make the public aware of the alternatives well in advance.

Mr Beggs: Does the Member not agree that a much better way of preparing the public and giving information would be to hold Committee hearings, where the evidence could be presented in public and published on the Internet? Everyone will be educated in that process so that we can collectively come to the best decision, rather than bypassing the Committee.

Mr W Clarke: I thank the Member for his intervention. Lengthy consultation was carried out, and the issues have not changed from one or two years ago. We face the same issues today.

Mr Weir: Does the Member agree that, whatever the merits or otherwise of the Committee Stage, if it is an issue of creating publicity for the general public, Committee hearings in public are not necessarily the main device for that? After all, they are followed by dozens of people.

Mr W Clarke: I certainly agree with the Member.

Reducing the expenditure of providing plastic bags will make savings for businesses. If we were to go down the route of looking at cloth and reusable bags, it would also give retailers a unique opportunity to brand their shop, as people would be carrying their bags about.

The big supermarkets provide their own bags and have done that very well. Therefore, there is nothing to stop independent retailers doing the same and using it as a good marketing opportunity.

Mr McKay: I thank the Member for giving way. We touched earlier on the fact that the levy has been a big success in the South and that many small businesses there welcomed it. The Chambers of Commerce in the South certainly welcomed it. When the Southern Government carried out a survey, retailers informed them that the additional costs of setting up a system were less than the savings from the purchase of bags.

Mr W Clarke: I thank the Member for his intervention. Daithí McKay referred earlier to the fact that the Department was considering placing a levy on bags made from other materials, namely paper.

That should give a bit of comfort to Members who spoke earlier to voice concern about the high levels of energy consumed in the manufacture of paper bags. Members on these Benches called for a levy on paper bags as well. That will be discussed at the next stage of the Bill.

Members talked about the voluntary approach, but it is not working and we see no evidence that it helps to eradicate the nuisance and litter caused by plastic bags.

In conclusion — you will be glad to hear, a LeasCheann Comhairle — taking a reuseable bag to the shops will become as natural as taking a coat, keys or a wallet. Boylan will not be taking his wallet. He may take his wife's handbag. When you go shopping, to take a bag with you will be as natural as putting on your coat. It provides an opportunity for each council area to launch a competition to design cloth bags. It could be introduced through schools, to raise awareness of the issue at that very local level. We spoke last week about educating young people at an early stage with regard to litter. It is a good opportunity that we could use.

As George Savage said, it is important that we consider how we support people involved in the business of manufacturing plastic bags. They will have to be supported to diversify, and be supported by the Department of Enterprise, Trade and Investment to look at new markets. That has to be done and I agree with it.

However, there are huge opportunities in the making of reusable bags.

John Dallat talked about nappies. We will not go into that now. He spoke about levies. Perhaps we should consider a levy on having babies, or maybe just a sex tax to reduce the numbers of nappies going to landfill.

I support the Bill.

Mr Boylan: On a point of order, Mr Deputy Speaker. Will you make a ruling as to whether it is acceptable for the Member who last spoke to refer to me refusing to take my wallet when shopping?

Mr Deputy Speaker: That is not a point of order, Mr Boylan.

Mr Beggs: I declare an interest as local government councillor. Therefore, I have interests in the collection of litter, much of which consists of plastic bags, and in the responsibilities and functions of district councils to monitor this situation and the cost implication of that for councils.

Earlier, Mr McKay indicated that it was important to get the legislation right. However, it appears already that the published Bill is about to be dramatically rewritten. That does not fill me with confidence. That such a significant change could happen so quickly increases the risk of getting things wrong. In addition, we are told that it is essential to get this legislation through by accelerated passage. However, the Committee Stage is important in ensuring that things are got right in any Bill. Difficulties can arise; issues can be drawn to Committee members' attention; and it is much better to get them sorted before the legislation is enacted. However, it is now decided that that is to be bypassed. When all that happens, when there is no detailed scrutiny, risks increase.

I have taken part in numerous clean-ups and, frequently, plastic bags are the most apparent problem. Therefore, any legislation that will have an effect in reducing the number of those plastic bags should be welcomed. I have not only taken part in clean-ups on land with community groups; I recently assisted Marine Conservation Society volunteers in a beach clean-up, where we discovered some plastic bags being washed out to sea. Plastic bags are not only a problem in our hedgerows, but in our waterways and on our coastlines. Plastic bottles

were the most evident pieces of litter that were being found on the beach.

Earlier today, the Minister of the Environment quoted me saying that action, rather than pointless motions, was required. I stand by those comments, but it is vital that we get things right. I wish that the Minister would follow his own manifesto and get things right. There is a great danger in not getting things right by proceeding along the way in which he seems comfortable to go. As I said earlier, bypassing the detailed Committee Stage may allow huge risks to occur.

I also have concerns about a number of cost implications that will flow from the Bill. I do not have a clue about the unpublished amendments that have yet to be presented. All I can base my comments on is the hard evidence that I have. There is a proposal to introduce a tax of 15p a bag. Where did that figure come from? I note that, in some of the research from the Assembly Research and Library Service and in other information provided to me, there is evidence of dramatic change in customer behaviour as a result of much smaller levies. A 5p charge for bags in IKEA resulted in a 95% reduction in the use of plastic bags and a similar charge by B&Q resulted in an 85% reduction. Very significant changes in behaviour can occur with much lower levels of tax. There has been no opportunity to probe or test where the 15p charge came from, and on the surface, it appears to be excessive. Given the evidence that we have received, it seems that it does not need to be as high in order to bring about a change in behaviour by consumers. *[Interruption.]*

The administrative costs associated with the scheme will pose considerable risks for smaller retail outlets. There is a huge area of uncertainty there and a lack of detail. The Committee has not been able to dig through that.

Mr Deputy Speaker: Order. Time and time again we have to raise the issue of mobile phones and the effect that they have on the recording equipment. I ask the Member whose phone is on to switch it off.

Mr Beggs: As I was saying, there is an unknown cost, particularly to smaller retail outlets. I am sure that the larger supermarkets may already have a button in their tills that is linked to a computer system, which allows them to deal with the issue with no administrative cost. However, what will be the cost to smaller retail

outlets or corner shops, which are already at considerable risk? We are already aware that smaller shops are closing because of the pressures from supermarkets, and this is an added burden. Those shops will have to have some way of charging customers individually and recording those charges. What will be the set-up and associated ongoing costs? No evidence has been presented, but we are being asked to buy into this scheme without any detailed scrutiny.

There will be a cost to councils, which will have to monitor the scheme. Again, I do not have an awful lot of detail on that. The evidence that was given in relation to the Environmental Levy on Plastic Bags (Scotland) Bill provided some useful background as to what might occur. That evidence included some very useful information, which I would like to draw to Members' attention. That Bill was subsequently withdrawn, because it was recognised that there were problems with it. It proposed a 10p levy, and even though it was recognised that there were problems with a 10p levy, the Single Use Plastic Bags Bill proposes a 15p levy.

One of the biggest problems with any legislation is the issue of unintended consequences. This Bill has huge risks of unintended consequences. Earlier, my colleague indicated that there may be unintended environmental consequences. This type of Bill could also have the unintended consequence of adversely affecting small and medium-sized retailers and less well-off families, who tend to use more single-use bags.

5.15 pm

In Scotland, it was thought that the plastic bag levy would lead to competitive disadvantage. Small and medium-sized companies would be more greatly burdened by a levy than larger companies. Consumers on lower incomes would also be affected, as they would need to pay the 10p to get their shopping home on buses or trains. In the past, consumers on lower incomes have been less likely to use reusable bags. That issue must be at least considered.

The Scottish model also identified significant costs. I have heard nothing to indicate why we should believe that our scheme would be considerably different from the Scottish scheme, in which there was a one-off set-up cost of £7.5 million. Scotland has 32 local authorities, and we have 26, which is not a huge difference. Therefore, there is genuine concern that our set-up costs could be of a similar level. Given

that RPA has not proceeded — that is another failing of the Executive — having more local authorities to administer the scheme would make application of the Scottish model here excessively expensive. There has been a lack of detailed scrutiny. I am not aware how this scheme is significantly different from the Scottish scheme.

The amount of revenue projected to be generated in Scotland was also queried, because there could be a reduction in the amount of bags used and, therefore, levies paid. Due to the set-up costs and the query about the amount of money that would be generated, there was a question mark over the overall effectiveness of the Scottish scheme.

It is interesting to look into some of the detailed costs of the Scottish scheme. As was mentioned earlier, there was going to be an educational programme, which was estimated to cost between £1 million and £2 million. The set-up cost among the 32 local authorities was estimated at another £2 million. The ongoing annual running costs were estimated at £1 million. Enforcement was estimated to cost almost £1 million. It was also estimated that £250,000 would be needed for legal advice to determine, on occasions, whether or not to prosecute. It was indicated that there would be a net income of £4 million.

Considering that Scotland has a population of more than 5 million and Northern Ireland has a population of 1.7 million, it could be expected that we would generate one third of the income generated by the Scottish model. However, there is a huge danger that we will have a fairly similar fixed cost as Scotland, as we have almost the same number of local authorities. We could have a considerably reduced income but a similarly high set-up cost. Therefore, I have concerns about the effectiveness of the scheme and the bureaucratic costs of administering the proposals. I have no idea of the costs in the Bill, never mind the significant amendments that we have yet to see. Apparently, both the DUP and Sinn Féin are familiar with those amendments. It would be nice if the rest of us could see those amendments and consider them.

In summary, the 15p levy appears excessive. Detailed work is needed to ensure that we have an administrative scheme. I am not averse to giving a financial incentive or a message to ensure that the number of plastic bags used

diminishes. That argument can be made. However, in doing so, it is vital that we have an efficient, cost-effective scheme that does not have unintended consequences.

I return to the issue of individual consumers paying the levy, as specified in the Bill. There has been a lack of detailed scrutiny and information on that, so I have no idea whether that is the best route to take or whether we should follow the route taken in some other European countries, such as Denmark, where the levy is directed at retailers.

They have to pay that money, so they are less likely to give away free bags. I have been in some shops where my goods have almost been put into a bag before I could say that I do not want a plastic bag, and my items are taken out again. If retailers had to pay a direct cost, I am fairly confident that they would not put goods straight into plastic bags regardless of whether customers require them. It is possible to give retailers a financial incentive and a message using that type of model, which is much more efficient as it cuts out the significant administrative costs to local authorities.

The Bill talks about the concept of a central environmental fund, and I have no difficulties with that. It would be laudable if some form of tax that was set at an appropriate level were levied to encourage good behaviour, and it would be right and proper for any excess moneys to be used in an environmentally beneficial manner. As I said, there are different financial methods for achieving that, and I would like those methods to be investigated.

I am concerned about the lack of democratic process and scrutiny and about the speed at which the Bill is proceeding. As I said earlier, we are allowing very little time for retailers and those involved in the distribution or manufacture of plastic bags to make adjustments. This undue haste is not a good way to get things done or to legislate on matters that affect the lives of others. Someone may have recently invested in equipment to manufacture bags locally, but because of the speed at which this legislation is coming, we will not know whether that is the case. It appears that some Members want this legislation to be passed within a matter of months if not weeks. However, it does not seem as though much of a signal has gone to those in the retail trade or to the manufacturers of plastic bags, which is

unfortunate. If they are allowed to give evidence and to see the Committee report, they will feel the tenor of the evidence and can start to adjust their businesses accordingly. However, it appears that the DUP and Sinn Féin are willing to just go for a big bang and introduce this legislation in the blink of an eye.

I support what my colleague said earlier: it is much better for this legislation to be processed by delaying it until after the election, allowing it to run its normal course at Committee Stage and letting all the information come out. Let us ensure that the Assembly makes good legislation and that we get this right.

Mr B Wilson: The Green Party has supported a levy on plastic bags for many years and I, therefore, welcome the Bill. I support it not on economic grounds — although something like £4.7 million for the green new deal, to which other Members referred, would be welcome — but on environmental grounds. Indeed, as far as I am concerned, the ultimate success of this legislation would be if plastic bags were phased out completely and no revenue was raised.

Plastic bags have a serious impact on the environment and particularly on wildlife. Anyone who has looked at programmes about our marine environment will know that a plastic bag that gets into the digestive system of, for example, a turtle, a dolphin or a whale at some time or another will eventually kill them. Bags can also prevent birds from breathing or eating, and they die of starvation as a result. It even happens to normal farm animals, with incidents of cows, for example, being killed having digested bags.

My second environmental concern is the bags themselves. Light bags are blown throughout our countryside, festooning our trees and hedgerows and destroying the green, clean countryside that we are trying to promote as tourism. That affects local councils, which have to clean plastic bags from hedgerows. The aim of the Bill should not be to raise revenue; it should be to change consumer behaviour, reduce plastic bags in the rural landscape and increase public awareness of littering.

Some Members pointed out the dramatic success of the Irish levy, which has reduced the use of plastic bags by more than 90%: 1.3 billion fewer bags are used a year. There has also been a significant reduction in littering, and costs have been minimal, at only 3% of the revenue raised. Some years ago, research was done for the Dáil

to see what public opinion was on the issue, and the response from the public and retailers was overwhelmingly positive.

Some Members said that if we ban single-use plastic bags, people will use other types of bags, such as bin bags or paper bags, which would, of course, negate the main impact of the levy. However, that is not what it is about. We have to encourage people to reuse bags. We should not be looking at the cost of alternatives but at using cloth or cotton bags, which can be used up to 170 times. That would dramatically reduce what goes to landfill.

I have never used a plastic bag in my life; I get great satisfaction from telling the retailer that I do not want a plastic bag. I will be accused of being a chauvinist, but my wife has not used plastic bags for many years and brings her own bags to the supermarket each week. She is totally opposed to plastic bags, and, about 10 years ago, introduced a proposal in North Down Borough Council to ban plastic bags. She is very sympathetic to that.

It can be done; that is the point that I am making. People want to reuse bags. As I said, in the Irish Republic, 1.3 billion fewer bags are used. How do people carry their shopping? They use and reuse bags.

Mr Kinahan referred to the Danish system, about which I have grave reservations. Outwardly, it may seem a success, but taxing retailers will just be passed on to consumers. Therefore, there would be no incentive for the consumer to change his behaviour. If we want to change people's behaviour, we have to make the consumer pay directly. Most consumers would accept that.

Mr Savage raised the issue of the impact on jobs and the plastic bag industry. I am not sure what size the plastic bag industry is in Northern Ireland, but I know that, in the Republic, more than 80% of plastic bags used were imported.

The big supermarkets, like Tesco, all got theirs imported, so it did not have a significant impact on plastic bag producers. I accept that there will be some job losses, but there are opportunities to diversify. We should be looking at other opportunities to diversify. The overall impact on jobs will be minimal.

5.30 pm

Mr McKay: Does the Member agree that the proposal will also create new jobs, as the

funding stream will go to the green new deal? If there are other funding streams that go towards the green new deal, jobs will be created?

Mr B Wilson: I totally agree.

Like everybody else here, I have been lobbied by small shopkeepers —

Mr McGlone: Thank you very much indeed for giving way, Mr Wilson. There seems to be one bit that I cannot quite fit my head around. We heard in the Budget proposals that, if the levy was not raised, projects would have to be cut, and, I presume, jobs would be lost as a consequence. This is to supplement the potential for cutting jobs rather than creating new jobs, unless there is something that I am totally blinded on.

Mr B Wilson: Thank you for your intervention. I am coming from the perspective of the levy not being a revenue raiser. I want people to change their behaviour so that it will be phased out in the longer term. However, we have to be realistic; it will not disappear overnight. In the short term, it will raise money that can be used for the green new deal. I am very supportive of that.

I find the opposition to the levy from the small retailers very hard to grasp, given that in the Irish Republic all retailers, the chambers of commerce and the multinationals all believe that it is a good thing. Even those who initially opposed it now support it. As, I think, Willie Clarke pointed out, there have been significant savings. One retailer experienced savings of £1.9 million in the first year because it bought fewer plastic bags. They still made savings after administrative costs. Given that savings will be made, I see no reason to oppose it.

I declare my interest as a councillor. A role for councils is provided for in the legislation, but they should not be involved because they do not have the resources. The levy should be collected centrally. Collecting it with the VAT returns seems to be the most obvious way to do that. I have pointed out that that is the way it happens in the Irish Republic. The administrative costs there are a mere 3% of the total revenue that is raised.

That having been said, I am very much in support of the legislation. I support the revenue that is raised going to the green new deal. We need a lot more for that, but it is a start. I would like to think that, in the longer term, the levy will

be phased out and I hope that we will bin the plastic bag tax for ever. I support the Bill.

The Minister of the Environment (Mr Poots):

The debate has been interesting thus far. I wish to comment on a few issues around the plastic bag levy and on some comments made by Members. Figures released by the Waste and Resources Action Programme (WRAP) last year indicated that the UK's leading supermarkets have reduced the number of bags that they gave out by 41% since 2006, when figures were first recorded. In Northern Ireland since 2006, even with sales growth of more than three times the UK average, the number of bags handed out by major supermarkets in 2009-2010 alone fell by 9.3% on the previous year. That equates to 19 million fewer bags in circulation, which demonstrates that the public are getting the message and are already using fewer plastic bags.

That is a considerable achievement. However, I have consistently warned supermarkets and smaller retailers that that was not enough; that we needed to achieve more; and that we would always consider introducing a plastic bag levy if we failed to achieve the figures required. We have the proposed bag levy before us today in the form of Mr McKay's Bill, which provides an opportunity to bring forward the necessary enabling legislation.

The Bill is subject to some amendment to accommodate the arrangements envisaged in the Finance Minister's Budget paper. However, the Bill and the amendments to come will lead to broader enabling provisions in detailed arrangements to be delivered through subordinate legislation, so this is the start not the end of a process. Many of the fears and scares raised by Members who oppose the legislation do not appear to take into account the fact that there will be substantial secondary legislation that will require detailed discussion, affirmative resolution from the Environment Committee and further debate in the House.

Therefore, much of the huffing and puffing about the Bill is unnecessary. In fact, just last week, Basil McCrea presented the notion that there had not been sufficient time to discuss the Justice Bill. He almost dismissed what went on at Committee Stage and the fact that there were 1,400 pages of material on record about the discussion that took place in Committee. I think that he was looking for a House of Lords for this place. Last week, the Ulster Unionists

dismissed Committee Stage; now they say that it is imperative. I am not sure where they are from one week to the next.

In fact, I am not sure where they are from one year to the next. That is very clear, because Mr Beggs laid it on the line during a previous debate in the House when he said:

"Over time, plastic bags break down into smaller, more toxic petro-polymers that eventually contaminate soils and waterways and enter the food chain. The effect on wildlife can be catastrophic: birds become terminally-entangled, and the World Wildlife Fund estimates that almost 200 different species of sea life — including whales, dolphins, seals and turtles — die after ingesting plastic bags that they mistake for food."
— [Official Report, Bound Volume 34, p288, col 2].

Mr Beggs does not now want to proceed; he does not want to move forward; he wants to hold the issue back, despite his previous views.

Mr Beggs: If the Minister had listened carefully, he would have heard me say that there are huge question marks over what is being proposed. I can judge only what is presented to me in the Bill, and there are huge dangers of undue administrative costs. Significant changes in behaviour can be brought about with much lower levels of taxation. I indicated that evidence showed that that occurred with a 5p rather than a 15p levy. If there are to be significant amendments to the Bill, should the Minister not have shared that information with all the parties via the Committee?

The Minister of the Environment: On the issues raised by the Member, I go back to the point that the Bill is enabling legislation. All the issues that Mr Beggs raised will be dealt with through subordinate legislation. If he and I are re-elected to the House and are involved in the Environment Committee or in some other role, we will have the opportunity to deal with those issues clearly.

It is quite obvious now that, at this point, we have not identified the figure that will be attached to a levy, whether it is 5p, 10p, 15p or 50p. We will not put that in this early legislation.

We are also looking at how we can collect revenue, and we have been in talks with HM Revenue and Customs about that issue. I would wholly oppose circumstances where we perhaps bring in £4 million to £5 million and spend £2 million to do so. That would not make sense,

and we need to find a reasonable mechanism to collect that levy. However, we are not asking Members to deal with that in this enabling legislation. We are asking Members to deal with that at a later point. This Bill gives us the opportunity to introduce subordinate legislation to deal with all those issues, which we will debate properly. We can move forward on them following such debate. We do not need to deal with that at this point.

In any event, given a fair wind, it will be April 2013 before we can collect the levy. That is a fairly significant date. Some Members suggested that we should hold back until the new term and that the legislation would be through for December. We would have to forego public consultation to achieve that, because most legislation takes a year to pass. So, that is neither reasonable nor feasible. If Members hold back the Bill, they could hold back the introduction of the levy until 2014. Some people are concerned about the small businesses that might be affected by the Bill. However, the plastic bag levy will not be introduced in 2012. It will not, in any event, be introduced until 2013 at the earliest.

Mr Dallat: Will the Minister give way?

The Minister of the Environment: I will give way. In reality, those shops and traders will have a buy-in time, and there will be a considerable amount of work to do in advance of that.

Mr Dallat: I thank the Minister for giving way. Will the Minister explain how he proposes to factor into the draft Budget the £4 million for the next four years that is intended for environmental work if the money will not be collected until 2013? Or are we now talking about a different Bill from the original one?

The Minister of the Environment: No. I have had those discussions with the Finance Minister and pointed out that we will not be able to raise the funds in those early years because this will take some time to work through. That is being taken into account by the Department of Finance and Personnel, and we will see the outworkings of that in due course in the final Budget. So, we will be able to move those issues forward without having to block this particular piece of legislation.

I would accept it more if Members got up and said that they are opposed to the introduction of

a plastic bag levy. However, I have not heard that from any Member on the Floor.

Mr Kinahan: Will the Minister give way?

The Minister of the Environment: I will give way in a moment. What I have heard from some Members is that they are opposed to the passage of legislation that would enable us to collect a plastic bag levy. Now, if Members are opposed to a plastic bag levy, please stand up and tell us. That would be an honourable position to take. However, opposition to the legislation for the sake of opposition is not an honourable position to take.

Mr Kinahan: I thank the Minister for giving way. It seems that the Minister is completely rewriting the Bill. Had he spoken at the beginning of the debate, we might have had a little bit more detail to speak about, rather than having to wait until the end. There is much good in what he is saying, but there is still a huge doubt over the consultation process and that leaves us even more worried about where we are going. I will stand up and say that we are for plastic bag levy and legislation that works, but we are left with a big question mark as to exactly where we are going.

The Minister of the Environment: I thank the Member for indicating that I have such a persuasive capacity. I trust that that will continue to be the case. I certainly trust that it will be the case with the electorate in May and, if I am elected, thereafter.

I accept the argument that the enabling legislation is being hurried, but I am making it very clear today that this is not the endgame but the start of the process. Therefore, we will have considerable opportunity to give that adequate thought and consideration. The Bill will enable us to move forward with due process and will give it a considerable pace once we move to the new period beyond the election. However, if we hold off making the legislation until after the election, achieving a plastic bag levy in any decent time frame will be a difficult challenge. I encourage Members to support the enabling legislation that is proposed today.

5.45 pm

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I thank all Members who contributed to the debate.

The Chairperson of the Committee for the Environment, Cathal Boylan, said that the provision in the Bill to ensure that revenue that is generated from the Bill goes to the Department of the Environment for environment projects is critical. That is one of the most important aspects of the Bill, if not the most important aspect. He also said that there is a need to strike a balance in the legislation.

Danny Kinahan took a more negative approach. However, he made the good point that more education on the issue is needed to change people's behaviour and to put more focus on recycling. Those issues are separate to the legislation to set up a levy on plastic bags. He wanted further consideration to be given and research to be carried out on the private Member's Bill, but, over the past two years, I have seen numerous research documents. Those have been requested not only by me but by the Committee for the Environment, and there has been a lot of debate on the matter in the Assembly. We are taking the right approach, which is progressive and is supported by the public.

He also outlined the concerns of NIIRTA and the fact that the legislation may have an impact on small retailers. Over the past couple of hours, we discussed the impact that a levy had on retailers in the South. There are many quotes from retailers and chambers of commerce that are overwhelmingly in support of the levy, and there are no signs of negativity or a negative impact on the sector. Torlach Denihan from Retail Ireland said that a typical retailer would not put the plastic bag levy in their top five, six or seven concerns. That is the case in the South, where, after initial resistance, people have accepted it. There is a responsibility on us as legislators, who have an understanding of the legislation that goes through the House, to try to address any concerns and ensure that it does not have a negative impact on retailers. As the Minister said, further consultation will take place, and we will not rush into legislation until there is full consultation on the regulations.

The Minister also talked about the concern over councils taking on responsibilities as a result of the legislation. Again, we will introduce flexibility in the Bill for who will be responsible for enforcing the legislation and the levy. That can be done in-house, and it can also be done by other agencies, including councils. There are concerns about that, and Brian Wilson also

raised that issue. It will not be decided in this legislation.

Mr Kinahan also talked about black bin bags and the fact that, in the South, there has been some displacement of black bin bags. When the levy was introduced, there was a positive impact, with a 90% reduction in the circulation of plastic bags. I think that Willie Clarke referred to that. At the same time, there was a 77% increase in kitchen and bin bag usage. Figures from Friends of the Earth show that there was an overall reduction in plastic bag material, such as plastic bags and black bin bags, of around 930 million bags. Therefore, the effect of that in the overall use of bags is minimal.

Danny Kinahan also said that the consultation was a shoddy job. I have a folder here with about 100 pages of consultation responses from various parties, but the parties here are ignoring the fact that there will be a further consultation process on this legislation, and the issues and concerns that they have raised will be addressed in that process. I hope that that allays their fears.

He also said that he did not get a consultation document, but I placed a document in every MLA's pigeonhole. I know that David McNarry got one because he responded, and I thank him for that. He was one of only a few Members who did so. No other Member of the Ulster Unionist Party or the SDLP did that.

John Dallat said that the Bill was deficient. He also criticised the draft Budget, and I suspect that a lot of the opposition from the Ulster Unionist Party and the SDLP is because of the draft Budget. In the past, both parties have indicated in their party manifestos that they support a plastic bag levy. Apparently, it is their party policy, but you would not think that from listening to their contributions today.

With respect to the SDLP's position on wanting more taxation and fiscal powers devolved to this Administration, when we have an opportunity to set some form of fiscal taxation —

Mr McGlone: Does the Member regard this as a means of taxation?

Mr McKay: It is an example of a taxation and fiscal power in the sense that we are setting a levy. It is a form of generating income. The primary purpose of the Bill is to have a positive environmental impact, but you would be a fool

to ignore that there will be revenue from the initiative in the first number of years. Are we simply going to put that revenue in a central pot, or should we target it at environmental projects? I believe that it should be targeted at environmental projects, and it should be channelled back into the Department.

Chris Lyttle spoke about the concerns that small and medium-sized businesses have. It is worth reiterating that businesses in that sector will be fully consulted on the impact that the levy will have. I hope that the Member will take that into account. He welcomed the funds going towards the green new deal, and I hope that there is general support for that initiative across all the parties.

George Savage expressed concern around the costs. Plastic bags account for only a small amount of waste. I find it very hard to believe that the Ulster Unionist Party is arguing that it is in favour of a plastic bag levy, yet the party's comments today seem to indicate that it is not in support of such a levy. You cannot ride two horses. You are either for it or you are against it. That needs to be clarified.

Mr Beggs: The Member said "we are", and it appears that he is talking about himself and the Minister of the Environment. Does he accept that the Bill is being completely rewritten and the entire Committee Stage bypassed? You are asking those who have not seen it to take a leap into the dark.

Mr McKay: I do not know whether my voice is not carrying across the Chamber, but a number of Members have indicated what the changes will be.

The Bill is not being rewritten; it is being amended. Bills are amended as part of the process of their going through the House.

Mr Savage: At least the Member has been listening to us. He has agreed to amend the Bill.

Mr McKay: It will be amended, as I indicated at the start of this and the previous two debates, so I do not know what the Member is referring to.

Patsy McGlone also had some concerns about the levy and described the legislation as improper. He talked about the danger of buying a second-hand car without proper scrutiny. It is interesting that he is concerned about the impact on retailers. In the past, however, the

SDLP indicated that it wanted a levy of at least 20p on plastic bags. That seems to contradict some of the arguments from its Members today.

Willie Clarke talked about the green new deal and how it will tackle fuel poverty and create jobs. He also touched on the important issue of exemptions. I accept that there is some concern out there. I spoke to a butcher in my constituency who was concerned about a charge for the particular plastic bags used for meat bought over the counter. In the South, exemptions apply to certain types of food, such as meat. I support those exemptions being included in the legislation.

Mr Lyttle: Has consideration been given to exempting chemists and pharmaceutical companies when it comes to certain medicines required to be kept discreetly?

Mr McKay: Again, that will be subject to regulations when the legislation is finalised. I have received correspondence from pharmaceutical companies on the issue of their exemption. I carried out some research on what happened in the South, where they are not exempt. It is worthwhile looking at what was done in the South and in other jurisdictions to determine what approach we should adopt.

Willie Clarke also made the point that using a reusable bag will become second nature. He said that the legislation was about changing people's habits and changing the culture of using plastic bags. The aim is not to hit people in their pockets or to target people who are worse off in society. Indeed, research in the South indicated that the legislation did not have a major impact, even on the unemployed and lower socio-economic groups.

Willie also touched on the issue of a sex tax. I do not know what the party position is on that, but there is surely a better way of reducing the waste from disposable nappy bags than through the introduction of a sex tax. There would, of course, also be an impact on public health.

Roy Beggs talked about the added burden on retailers. Clearly, he and the Ulster Unionist Party are against the levy, and the SDLP is not far behind them. I do not understand why Members put forward those arguments if their party position is to support the levy. They cannot ride two horses. Those two parties should adopt a more positive approach to the legislation,

because it is a radical and positive initiative that has public support.

The Minister of the Environment: It is clear, particularly in the case of the Ulster Unionist Party, that it wants to ride two horses. Mr Kinahan read out a wish list of what the Department of the Environment could do. Meanwhile, his Minister Mr McGimpsey wants us to give up more of the money that we spend on the environment to support the Health Service. He opposes mechanisms to raise revenue to support the environment. The Ulster Unionist Party is, therefore, riding two horses and cannot be taken seriously as a party of Government. *[Interruption.]*

Mr Deputy Speaker: Order. I made an announcement about phones earlier. Members who have been here for a four-year term know full well that phones are not allowed to be switched on in the Chamber because they affect the recording system. Yet Members continue to have their phones switched on, which disturbs the business of the House. I ask all of you to switch off your phones.

6.00 pm

Mr McKay: It is worth remembering that the SDLP proposed that more money should be taken from DOE as well as the Department of Justice and the Department for Regional Development. Therefore, that party complains about money being lost when, indeed, it wanted more money to be taken from the Department after the draft Budget.

Brian Wilson made a very good contribution. He outlined the Green Party's support for the Bill, as well as the impact of plastic bag waste and litter, especially on wildlife and, in particular, on marine wildlife in the oceans and seas. He also said that in the South, retailers are overwhelmingly positive about the levy and that the bulk of plastic bags are generally imported from overseas companies.

We also had discussion on jobs creation through the green new deal. An interesting fact is that a retailer in the South actually saved £1.9 million as a result of the introduction of the levy there. Mr Wilson outlined concern about councils. He said that he would prefer that the levy was centralised. That decision is not being made in the legislation. That can be decided at a later date, after the pros and cons of different options are taken into account. He wants to

see plastic bags phased out altogether. I agree with that. The Bill is the beginning of a process to change the culture. Many years ago, nobody used plastic bags. People reused cloth bags regularly. We can live without plastic bags, and it is worth working towards that.

The Minister outlined the fact that the public already use fewer plastic bags. Certainly, initiatives are in place. Education in that regard is having an impact. The private Member's Bill can accommodate the necessary enabling legislation to move that levy forward. The rest can be delivered in subordinate legislation. The Minister also said that there would be secondary legislation and significant consultation. Parties should take that into account. A lot of consultation has been carried out. There are over 100 pages' worth of consultee responses. We have engaged and held meetings with plastic bag manufacturers, retail organisations and so on. There will be more consultation over the next year. Hopefully, parties will take into account that more consultation will be carried out and that the Bill will not be rushed in. We must ensure that it does not have a negative impact on retailers and others.

The matter is quite simple. The Executive have already adopted many of the Bill's proposals. That is why changes have been made to it. The Bill will be simplified, not complicated. It is progressive, significant legislation and a significant environmental measure. I ask Members to support that legislation to ensure that it is the success that it can be.

Mr Deputy Speaker: Before we proceed to the Question, I would remind Members that, as the intent of this Bill is to impose a tax, cross-community support is required in accordance with section 63 of the Northern Ireland Act and Standing Order 26(1)(b)(ii).

Question put.

The Assembly divided: Ayes 56; Noes 16.

AYES

NATIONALIST:

Ms M Anderson, Mr Boylan, Mr Brady, Mr W Clarke, Ms Gildernew, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Mrs McGill, Mr M McGuinness, Mr McKay, Mr McLaughlin,

*Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill,
Ms S Ramsey, Ms Ruane, Mr Sheehan.*

UNIONIST:

*Mr S Anderson, Mr Bell, Mr Bresland, Mr Buchanan,
Mr Campbell, Mr T Clarke, Mr Craig, Mr Easton,
Mrs Foster, Mr Frew, Mr Girvan, Mr Givan,
Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin,
Mr McCausland, Mr I McCrea, Miss McIlveen,
Mr McQuillan, Mr Moutray, Mr Poots,
Mr G Robinson, Mr P Robinson, Mr Ross,
Mr Spratt, Mr Storey, Mr Weir.*

OTHER:

Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr B Wilson.

Tellers for the Ayes: Mr Boylan and Mr W Clarke.

NOES

NATIONALIST:

*Mr Attwood, Mr Callaghan, Mr Dallat, Mr McDevitt,
Dr McDonnell, Mr McGlone, Ms Ritchie.*

UNIONIST:

*Mr Armstrong, Mr Beggs, Mr Cobain, Mr Cree,
Mr Kinahan, Mr McCallister, Mr B McCrea,
Mr K Robinson, Mr Savage.*

Tellers for the Noes: Mr McGlone and Mr Savage.

Total votes 72 Total Ayes 56 [77.8]

Nationalist Votes 30 Nationalist Ayes 23 [76.7]

Unionist Votes 37 Unionist Ayes 28 [75.7]

Other Votes 5 Other Ayes 5 [100.0]

Question accordingly agreed to.

Resolved (with cross-community support):

*That the Second Stage of the Single Use Plastic
Bags Bill [NIA 8/10] be agreed.*

Adjourned at 6.15 pm.



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