
NORTHERN IRELAND ASSEMBLY

Tuesday 20 November 2007

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

Members observed two minutes' silence.

ASSEMBLY BUSINESS

Mr Paisley Jnr: On a point of order. As it is the sixtieth wedding anniversary of our sovereign, Her Majesty The Queen, is it in order for this House to formally congratulate Her Majesty and her husband, the Duke of Edinburgh, for the fine example that they have given to the nation and on this magnificent milestone in their married lives?

Mr Speaker: I hear what the Member has said, and I am sure that he could bring a motion to the House if he so wishes.

Mr Storey: Mr Speaker, I ask you to rule on an issue. Yesterday, in the House, there was a vote on a motion on the Irish-medium club-bank arrangement, which was moved by my colleague Michelle McIlveen. If you check the Hansard report, you will notice that a Deputy Speaker of this House voted. That same Deputy Speaker was in the Chair during the debate on that motion. I believe that it is stated in Standing Orders that Deputy Speakers should not vote on such occasions.

Mr Wells: Further to that point of order, Mr Speaker. You may recall that I was a Deputy Speaker in the previous Assembly. Throughout that period, when I sat in the Chair during a debate, I did not vote, even if that was prejudicial to my party's interests. I notice, as Mr Storey has pointed out quite rightly, that Mr Molloy did vote. That is against the protocol that was established in the House.

Mr Speaker: I understand what both Members have said. I have looked at the Hansard report and I know that the Deputy Speaker was in the Chair for a few moments during the debate. However, the key point is that he was not in the Chair during the vote.

Mr Wells: The established protocol was that if the Deputy Speaker sat in the Chair at any stage during a debate, even if it were only for 30 seconds, he would not take part in the vote. It is right and proper that

anyone who chairs a debate does not take part in any ultimate decision made on it.

Mr Speaker: I thank the Member for his comments. I ask the House to allow me to come back to this issue at a later date, when I will make a ruling.

However, although I have said that the Deputy Speaker was in the Chair for a few seconds of the debate, the point that I am trying to make is that he was not there for its substance. Let me come back to the House and rule on that matter.

Mr Storey: Further to that point of order, Mr Speaker. It is not the case that the Deputy Speaker was in the Chair for a few seconds; he was in the Chair for the first few minutes of the debate when my colleague Michelle McIlveen was moving the motion. The petition of concern was the reason that no vote was taken. I would like you to check who signed that petition of concern.

Mr Speaker: As I have said to both Members, I am extremely happy to come back to the issue and to make a further ruling on it.

Mr Kennedy: On a point of order, Mr Speaker. May I join with other Members in extending warm congratulations to Her Majesty The Queen and His Royal Highness The Duke of Edinburgh on the occasion of their anniversary? It is wonderful to see that the flag is flying from this Building.

Mr Speaker, I ask you to consider whether you would introduce some method, such as early-day motions, that would allow Members to pass on their congratulations in circumstances such as this. That mechanism is used in another place. It would give Members the opportunity either to extend their congratulations or to acknowledge sporting events such as Northern Ireland's historic victory over Denmark on Saturday night.

Mr Speaker: The Member is stretching his point of order — there is no doubt about that.

However, as Speaker, I understand that, occasionally, there are issues that Members want to acknowledge, such as the Omagh tragedy and other events. I assure Members that I am considering a mechanism that allows Members to speak on particular issues about which they feel strongly, provided that they do not abuse the House in doing so. However, I assure Members that we are considering that matter to see how such contributions could be facilitated.

MINISTERIAL STATEMENT

North/South Ministerial Council — Language Body Sectoral Format

Mr Speaker: I have received notice from the Minister of Culture, Arts and Leisure that he wishes to make a statement on the North/South Ministerial Council language body sectoral format.

The Minister of Culture, Arts and Leisure (Mr Poots): In compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the first North/South Ministerial Council (NSMC) meeting in the language body sectoral format that has taken place since the restoration of the Northern Ireland Assembly and Executive. This report has been endorsed by Caitríona Ruane MLA.

The meeting was held in Altnaveigh House in Newry on Friday 26 October 2007. I represented the Northern Ireland Executive as Minister of Culture, Arts and Leisure, and Caitríona Ruane MLA, the Minister of Education, also attended. The Irish Government were represented by Éamon Ó Cuív TD, the Minister for Community, Rural and Gaeltacht Affairs.

I chaired the meeting, and matters that related to the language body and its two constituent agencies, Tha Boord o Ulster-Scotch — the Ulster-Scots Agency — and Foras na Gaeilge — the Irish-language agency — were discussed.

The meeting opened with the chief executive of Tha Boord o Ulster-Scotch, Mr George Patton, and his colleague the chief executive of Foras na Gaeilge, Ferdie Mac an Fhailigh, reporting how their agencies have developed since the Council's previous language sectoral format meeting on 26 June 2002. We noted the progress that both agencies have made since that meeting, and I will now summarise the main points of that progress.

The two agencies have worked jointly on several projects, including jointly funding the post of arts development officer for language arts — in tandem with the Arts Council of Northern Ireland — and the post of cultural officer of Altnaveigh House Cultural Society in Newry. In addition, they piloted a joint lecture series on our shared heritage, and that was made available to several bodies.

The Ulster-Scots Agency successfully introduced the first-ever Ulster-Scots summer schools in 2006. That led to 33 summer schools being held in 2007, and in the past year, 120 primary schools have received a school drama production. The agency also piloted Ulster-Scots after-school clubs in several locations.

As regards Ulster-Scots culture, there has been major growth in interest in dance and musical tuition.

Following the appointment of a youth-development officer in 2006, which is a post that is funded by the Irish Youth Foundation UK, the Ulster-Scots Agency is working with young people in inner cities.

We noted the chief executive officer's report on the work of Foras na Gaeilge, especially the significant advances made in the e-government area by the agency, with the development of an online database of terminology — www.focal.ie — and the launch, with Microsoft, of an Irish-language version of Windows XP and the development of an accreditation scheme for Irish-language translators. A successful three-year local community support scheme, which provided funding to 20 groups in both jurisdictions has been extended to 2010. The success of the scheme has led Foras na Gaeilge to widen the scheme to post-primary level this year. The issue concerning the board minutes being made available on the Foras na Gaeilge website was also discussed.

The Council discussed Tha Boord o Ulster-Scotch community programme and the significant progress that has been made in music, dance and drama and in work with young people. We also noted that the body will establish a new development grant scheme beginning in February 2008. The Council recognised the positive reception given to Ulster-Scots language, heritage and culture at the Smithsonian Folklife Festival in Washington earlier this year. It noted the planned activities associated with the four-hundredth anniversary of the plantation of Ulster and has invited the agency to bring forward a proposal for a programme to develop links and culture exchanges with the Ulster-Scots community in Scotland and North America. Ministers also asked officials to clarify the position regarding the remit of the Ulster-Scots Agency and to report at the next NSMC meeting.

The Council noted the progress made in relation to the NSMC decision of March 2006 that 30 Foras na Gaeilge staff posts should be located in Gweedore. We agreed that a working group will be established, with representatives from Foras na Gaeilge and the two sponsor Departments, to reach agreement on a staffing submission from Foras na Gaeilge, in particular to quantify the financial implications in 2008 and subsequent financial years. That staffing submission concerns the filling of posts in the organisation, including those posts earmarked for Gweedore. We also agreed that the working group should seek to progress agreement on a number of key posts identified in the submission that can be met from existing financial allocations in the shortest possible time frame.

The Council approved the proposal to transfer the functions of Bord na Leabhar Gaeilge — the Irish language books board — to Foras na Gaeilge. That non-statutory state body was established in 1952 to assist writers and publishers in supplying Irish-language

material for the general public. The Department of Community, Rural and Gaeltacht Affairs will continue to have sole responsibility for funding that organisation.

The Council discussed administrative and governance issues arising in relation to Colmcille. That organisation is funded equally by the Administrations in the Irish Republic, Northern Ireland and Scotland to develop stronger links between Gaelic speakers. We noted that work has been undertaken in relation to possible new arrangements to take that work forward under the aegis of Foras na Gaeilge in Northern Ireland and the Irish Republic and the Bòrd na Gàidhlig in Scotland. The Council asked officials to continue their work in examination of the issues arising and future options and agreed to consider the matter further at its next meeting on the basis of a report prepared by officials.

We were given progress reports in relation to the publication of the annual reports and accounts of the language body. We noted that the agencies are up to date in the submission of individual accounts but that clearance of consolidated accounts is awaited, and we requested that the chief executives, with the support of the sponsor Departments, seek progress with the Comptroller and Auditor Generals, North and South, as a matter of urgency. We have asked for a progress report at the next NSMC meeting in the language sectoral format.

We discussed the draft future plans for both agencies and have requested that they, along with the sponsor Departments, work together to finalise the 2008 business plans and the 2008-10 corporate plans urgently for approval at the next NSMC meeting in the language sectoral format.

In closing, Minister Ó Cuív stated his intention to host the next NSMC meeting in the language sectoral format in a location that would have significance for the work of the language body. The Council agreed to meet again in the language sectoral format in January/February 2008.

10.45 am

The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff): Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh an ráiteas agus roimh an chruinniú fosta. Is maith an rud gur tháinig na hAíre le chéile seo ar an ábhar seo. I welcome the statement and, more importantly, the fact that the meeting took place. It was the first meeting of its kind since the restoration of the Executive and the Assembly, as the Minister said. I am also glad that it took place in Newry. Newry could fit Éamon Ó Cuív's description of:

“a location that would have significance for the work of the language body”

There is a very strong Irish-language community in that area, and nowhere could be more suitable.

I note that the meeting took the form of reports from Foras na Gaeilge and Tha Boord o Ulster-Scotch. I would be interested to hear more about the three-year community support scheme, which has been extended until 2010. What groups have received funding and support from that scheme?

To return to my point about the meeting's taking the form of reports from the two bodies, my question to the Minister is whether, following on from the St Andrews Agreement and the obligation on both Governments and on this Administration to take forward a proactive strategy aimed at enhancing and promoting the Irish language, he sees a role for himself in the matter — or for the Department of Culture, Arts and Leisure (DCAL) as a parent Department — or whether he is merely leaving it to the bodies.

Mr Poots: I thank the Member for his question and note his comments about Newry's being a suitable location because of the Irish-language culture in that area. It should be noted that the event actually took place at Altnaveigh House, which is an Ulster-Scots society. I am glad to note that Ulster-Scots culture is also alive and kicking in the Newry area, even though the Committee Chairman did not recognise that.

Do I see a role for us in the development of an Irish-language strategy? That question is not relevant to this morning's statement, which dealt with the work of the North/South language bodies. The development of an Irish-language strategy is a matter for this House, the Executive and the Minister — me — who is answerable to the Committee and to the House.

Mr Speaker: I remind all sides of the House that questions must relate to the statement.

Mr McCausland: I welcome the statement and want to ask two questions, one in relation to Ulster Scots and one in relation to Irish.

There was mention in the Minister's statement of after-school clubs and the extensive work that is being undertaken with schools. I note that the Minister was accompanied by Caitríona Ruane, the Minister of Education. Did she make any commitment to put some resources into that work? She funds a very extensive — and, some might say, expensive — Irish-medium sector, but there does not seem to be much money put into Ulster Scots. In fact, in one year, the Department put in absolutely nothing at all, and in another year it was about £69.

My second question is in relation to Foras na Gaeilge. There was reference to its website and the minutes of its meetings. Can the Minister explain what is being done to achieve transparency by having the minutes, both in Irish and in English, on the website?

Mr Poots: In relation to the first question, Ms Ruane did not give any commitment at the meeting. I

suggest that the matter of what support the Department of Education may give to Ulster-Scots summer schools and other activities would be best taken up directly with Minister Ruane as Minister of Education.

I raised the issue of the minutes of Foras na Gaeilge, and discovered that not only are the minutes not made public in English, neither are they made public in Gaelic. I asked for that issue to be addressed, and I received support from Minister Ó Cuív. I understand that the board is coming to the end of its lifespan — it has two more meetings — and the issue will probably be dealt with by a new board.

However, when a public body has more than £13 million to spend, it is important that it makes its minutes publicly available. To determine how those funds are being spent, Foras na Gaeilge must demonstrate an openness and willingness to submit itself to public scrutiny.

Mr McNarry: I, too, welcome the Minister's statement and appreciate his bringing it to the House. After the first meeting of the North/South Ministerial Council in the language sectoral format, is the Minister confident that his Republic of Ireland counterpart is committed to promoting Ulster-Scots heritage, culture and language in that jurisdiction?

Mr Poots: Mr Ó Cuív is very committed to the Irish language, in which he is fluent. When I have discussed anything to do with Ulster Scots with him, I have found him to be nothing other than co-operative. That is the current nature of our relationship. I trust that that will continue and that we shall make further progress in the development of Ulster Scots, not only in Northern Ireland, but in the entire nine counties of Ulster and further afield.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Seo í mo cheist ar an Aire. Ba mhaith liom fiafraí den Aire cén dul chun cinn atá déanta maidir le cúrsaí foirne i bhForas na Gaeilge ó bhí an cruinniú ann ar 26 Deireadh Fómhair na bliana seo; go háirithe i dtaca leis na heochairphoist a aithníodh in aighneacht Fhoras na Gaeilge. Ba mhaith liom fáil amach cén uair a dhéanfar cinneadh ina thaobh. Since the meeting on 26 October, what progress has been made on Foras na Gaeilge's submission on staffing? I particularly refer to the key posts that the body identified. When can we expect a decision on those posts to be taken, given that the Minister has just said that progress would be made:

“in the shortest possible time frame”?

Go raibh míle maith agat.

Mr Poots: The staffing complement was actually agreed in 2001, but, thus far, only about half the posts have been filled.

The decision to locate Foras na Gaeilge's new premises in Gweedore in the Gaeltacht formed part of

a wider decision to move Civil Service jobs away from the east and towards the west of Ireland. However, that decision has caused some problems. Foras na Gaeilge has found it difficult to fill the positions in Gweedore, because of its location. I understand that there are also insufficient individuals with the relevant Irish-language skills and qualifications to do the jobs. Therefore, the staffing issue has proved challenging, all the more so since use of the Irish language became more widespread. For example, it is now used in the European Parliament, and Foras na Gaeilge has found it more difficult to find translators with the requisite skills. Foras na Gaeilge has given a commitment that it will fill the posts. Moreover, it has the available funds — no additional funding is required. However, it needs to find personnel who have the key skills to do the jobs. That is where the problem lies.

Mr McCarthy: I also welcome the Minister's statement. I also welcome the good working relationship that exists between Foras na Gaeilge and Tha Boord O Ulster-Scotch. In his statement, when outlining joint ventures, the Minister mentioned the joint lecture series “Our shared heritage”, which was made available to a variety of bodies.

In view of some unionist representatives' continuing negative attitude to the Irish language, would the Minister consider making available to a wider public — for example, councils, public representatives and schools — the contents of that lecture series? Were he to do so, everyone could acknowledge where we have come from and where we all wish to go together.

Mr Poots: Schools are a matter for the Department of Education and not for the Department of Culture, Arts and Leisure. However, should the Department of Education need the assistance of the Department of Culture, Arts and Leisure in delivering some of its key projects, that is a matter for discussion among officials, who will then bring it to the two Ministers.

Mr Shannon: I thank the Minister for a clear and positive statement concerning the Ulster-Scots language. He mentioned the Ulster-Scots community programmes, referring specifically to the Smithsonian Folklife Festival in Washington, and to the four-hundredth anniversary of the plantation.

What plans does the Minister have to develop the capacity of the Ulster-Scots Agency as an organisation, and to develop its links with Scotland and America?

Mr Poots: It is recognised that, for a considerable time, the capacity of the Ulster-Scots Agency has been increasing significantly. That has enabled me to release additional funding; for example, £750,000 for the incoming year. That will help to put on the ground projects such as the successful summer schools, which I mentioned earlier.

The capacity is being developed, and, hand-in-hand with that, the finances are being raised to meet it. As further capacity is developed, further projects can be

delivered, and it is up to us to seek and identify the funding mechanisms to ensure that that situation continues.

Mr P Maskey: Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's statement. Could he elaborate a little on the successful local community support scheme? I appreciate that that has been extended until 2010. Who were the 20 groups that were funded by the scheme? Where were they based, and what were their activities? If the Minister does not have that information to hand, I would appreciate a written response. Go raibh maith agat.

Mr Poots: Locations were in both Northern Ireland and the Republic of Ireland. I shall be happy provide the information in writing.

Miss McIlveen: I, too, welcome the Minister's statement. What increases in resources will be allocated to the Ulster-Scots Agency and to the Irish language agency? Furthermore, will the Minister agree to engage with the Ulster-Scots Heritage Council, as the representative community body of the Ulster-Scots Agency, to consider the creation of a parallel initiative to the Colmcille initiative?

Mr Poots: I thank the Member for her question. There will be an increase of £750,000 over the baseline in funding to the Ulster-Scots Agency for 2008-09. There will be a further increase of £1 million in 2009-10, and an over-the-baseline increase of £1,250,000 in 2010-11. Those will considerably narrow the funding gap between the Ulster-Scots Agency and Foras na Gaeilge. There have been no further commitments to Foras na Gaeilge for additional spending.

With regard to Colmcille, there has been a proposal, which has not yet been agreed to, to bring Colmcille under Foras na Gaeilge. Moreover, there is a suggestion that there may be an opportunity for the Ninian initiative, which was referred to in 2001, to be established in the Ulster-Scots Agency. Matters are still at discussion stage, and no decision has yet been taken on either of those two proposals; however, they have been given consideration.

Mr K Robinson: I thank the Minister for his report. Some Members referred to the location of the meeting. Altnaveigh has a particular relevance to my community.

11.00 am

Does the Minister agree that the excellent work of the Ulster-Scots Agency — particularly in the expansion of its summer-scheme programme, the involvement of 120 primary schools in an agency-commissioned school drama, and the innovative and expanding number of Ulster-Scots after-school clubs, and in light of the impact in the US of the Smithsonian event — must be matched by equivalent levels of enthusiasm, ingenuity, energy and funding on the part of his officials to

redress the poor-relation status of Ulster Scots compared to the rapid progress and generous funding enjoyed by the Irish-culture community? Will he undertake to encourage the extension of those Ulster-Scots schemes into large housing estates, as well as the inner-city areas that he referred to in his statement?

Mr Poots: The outworking of those schemes is a matter for the Ulster-Scots Agency, which will report on its successes or otherwise, and, in its capacity as a competent body, the delivery of such projects should be left to the agency. If Members wish to have such schemes developed in their areas, it is for them to encourage the agency.

We are addressing, and will continue to address, the poor-relation status of the Ulster-Scots Agency, although that will not be dealt with in one year. However, we are working towards providing equal funding for both bodies.

Mr P Ramsey: I welcome the Minister's statement and the continuing co-operation between the two Governments. I wish to refer to the Ulster-Scots Agency's programmes, particularly those commemorating the 400th anniversary of the plantation. As Derry was one of the first towns to be planted, Derry City Council clearly has a role to play. My question to the Minister is also directed to the Speaker, who is aware of the city's bid for world heritage site status. How can the Assembly support Derry in its bid to be added to the UNESCO list?

It is appropriate that the Minister of the Environment — who has had discussions with members of Derry City Council — is here, and the Speaker will also be aware of Derry City Council's work to retrieve The Honourable The Irish Society's plantation artefacts, which are in storage in England. What are the planned commemoration activities, and what are the funding arrangements for them?

Mr Poots: I am happy to speak to people about such matters. In fact, I recently spoke to people from the University of Ulster who are studying the period in our history that encompasses the flight of the earls, the Ulster plantation, and the roles played by The Honourable The Irish Society and the city of London in the establishment of the city of Londonderry, and I am happy to work with city-council representatives. That history offers huge potential for tourism. Looking at London 2012 and the links to Londonderry, there is a huge opportunity for people in that city to gain some significant benefits from the 400-year link that has been established there.

Mr Speaker: As we conduct today's business, a number of Members will want to speak in their capacity as Chairperson of a Committee. I warn those Committee Chairpersons that when they get up to speak, they are speaking on behalf of their Committees. If they wish to make personal statements, they must alert the House of that intention.

MINISTERIAL STATEMENT

North/South Ministerial Council — Environment Sectoral Meeting

Mr Speaker: I have received notice from the Minister of Culture, Arts and Leisure that she wishes to make a statement regarding the North/South Ministerial Council language body sectoral format —

Sorry, I apologise to the House.

We will start again; we will get it right.

I have received notice from the Minister of the Environment that she wishes to make a statement regarding the North/South Ministerial Council environment sectoral meeting.

The Minister of the Environment (Mrs Foster):

Mr Speaker, it is with some relief that I make a statement on the first North/South Ministerial Council environment sectoral meeting to be held since the restoration of the Northern Ireland Executive and Assembly. The meeting took place in the Manor House Resort Hotel, Killadeas, on 26 October 2007, and the following report has been agreed with Minister Ritchie.

As Minister of the Environment, I chaired the meeting and, with Margaret Ritchie, the Minister for Social Development, represented the Northern Ireland Executive. The Irish Government were represented by John Gormley TD, Minister for the Environment, Heritage and Local Government.

We noted and welcomed the progress that had been made since the last meeting in April 2002, which included over 175,000 waste fridges and freezers being recycled under a joint Northern Ireland/Republic of Ireland contract; a successful cross-border waste awareness campaign; and joint work on implementing the EU Water Framework Directive to enhance water management on a co-ordinated cross-border basis.

The EU Water Framework Directive requires that member states maintain high-status waters — where such waters exist — prevent any deterioration in the existing status of any waters and achieve, at least, good status of all waters by 2015. The key aims and application of the directive were highlighted in an informative joint presentation that was made by my Environment and Heritage Service and the Environmental Protection Agency.

We welcomed the progress that had been made on the implementation of the directive for shared waters, and we agreed that the single management plans for each international cross-border river basin district should proceed for the north-western, Neagh/Bann and Shannon international river basin districts. We noted that key water management issues for each river basin district had been published in documents using the generic title

‘Water Matters — Have Your Say!’. Those documents are available for public comment until December 2007 and will form the basis of the next stage of developing river basin plans. Therefore, we agreed that officials should report on progress at the next meeting.

We welcomed the progress that had been made by the North/South market development steering group, which was set up in January 2002. The steering group aimed to provide a co-operative approach to the development of the waste and recycling market in both jurisdictions. To build on that progress, we agreed to the re-establishment of the newly mandated steering group to drive forward a programme based on specific deliverables of mutual benefit, which will exploit opportunities to benefit from economies of scale.

We agreed that the steering group should require the market development delivery agencies in Northern Ireland and Ireland to develop proposals for a joint market development action programme, and we agreed that proposals should be guided by the respective strategies and programmes in both jurisdictions and brought to the steering group for approval. The group should be chaired by a representative from the business sector and should include members from the business sector and non-governmental organisations.

We also recognised the continuing joint work on the possible establishment of a paper mill, which is contingent on mobilising private-sector support and funding. We requested that a report on progress be presented to our next meeting.

We welcomed the significant progress that had been made in tackling the movements of illegal cross-border waste and the recent joint enforcement actions designed to prevent such illegal activities.

We also endorsed a road map document that had been developed in response to a request by the European Commission. The road map sets out the responsibilities of both countries in the context of the relevant legislation. It outlines a step-by-step approach for the removal and disposal of waste that has already been illegally dumped and sets out a series of joint enforcement actions that are designed to prevent future illegal movements. A regular update on implementation will be provided at future meetings.

We approved the commissioning of a review of the North/South website of environmental research — aNSwer. As it was launched in April 2002, we agreed that it was timely to commission a joint review of the website, which includes a shared register of environmental database sources. The review should consider cost-effective options for the website’s long-term management.

We also welcomed the intentions of the Environmental Protection Agency and the Environment and Heritage Service to determine potential opportunities

to co-ordinate joint environmental research. We look forward to the outcome of the review at a future meeting.

We were pleased to note the range of activities that have been undertaken to exchange information and run environmental-awareness campaigns. In particular, a very successful cross-border waste awareness campaign was undertaken in 2004 at a cost of £2.1 million.

The objective of that campaign was to reduce the volume of waste that goes to landfill sites and to increase the recycling of waste materials in the border area. We requested that officials explore the scope for further work, including environmental-awareness campaigns and funding options. The Council agreed to meet again in that sectoral format in either March or April 2008.

Mr T Clarke: I thank the Minister for her statement. What scope is there for future co-operation on environmental impacts on agriculture?

Mrs Foster: I do not want to tread on the toes of the Minister of Agriculture and Rural Development. That is an issue that she will be discussing with me, and we will consider ways to deal with waste, including illegal waste that comes from the South. Furthermore, we will discuss how she wants her Department to deal with waste in the agriculture sector.

Some good work has been carried out on the issue of water pollution that occurs in districts near river basins. That is often a problem in agriculture. Additionally, the public has had input into the development of those river basin international district plans. I am pleased with the way in which that is moving forward.

Mr Molloy: Go raibh maith agat, a Cheann Comhairle. I congratulate both jurisdictions on the possibility of the paper mill. It is important to have an outlet for recycled materials.

Will the Minister give her opinion on how successful the educational process and awareness campaigns have been? Will those schemes now transform from education and awareness into actually getting machinery on the ground that will deal with waste in the future?

Mrs Foster: The Member is well aware from his work on the Strategic Waste Board that part of its education campaign in Northern Ireland relates to communication with the public, and to realising the importance of dealing appropriately with waste.

As I said in my statement, we did have a successful cross-border Wake up to Waste campaign. When the Strategic Waste Board makes its decision regarding its new communication strategy, I assume that there will also be some discussions on those issues with its counterparts in the Republic of Ireland.

A study was carried out regarding the paper mill issue; however, it was some time ago. Therefore, more

work needs to be carried out to assess the economic viability of a paper mill, and we are currently doing that.

Mr Speaker: I remind Members to ensure that their mobile phones are switched off.

Mr Elliott: Does the Minister agree that large amounts of illegal waste from the Republic of Ireland are still dumped in Northern Ireland, and that it comes from large-scale operations to purpose-built unofficial dumps, and, on a small scale, to local council civic amenity sites? Does the Minister have any estimates of the amount of such material?

Mrs Foster: Unfortunately illegal waste continues to be a problem. In my statement, I mentioned the road map, and we hope that that will develop to enable us to repatriate waste that can be identified as coming from the Republic of Ireland. There is a commitment that the waste should go back to wherever it came from.

Waste from a site in Belleek was repatriated to Ireland in January 2007. It is intended that similar operations will take place under the methodology that was set up in the road map. Two sites, containing a total of 14,500 tonnes of illegal waste, are being examined for priority attention. We have formally asked the Republic of Ireland to repatriate that waste. We are in discussion with Dublin City Council, as it has been identified as the appropriate authority to take back that waste.

11.15 am

Mr Gallagher: I welcome the Minister's statement and thank her for bringing it to our attention. Much important work is being done, and that work underlines the importance of taking an all-island approach to the environment.

I have two questions for the Minister, the first of which concerns the possible establishment of a paper mill. We have had reports on that before, yet the Minister's statement contains nothing new on its progress. It is, however, an important concept. Will the Minister enlighten us as to whether the project has stalled, or is there potential for progress to be made?

Secondly, I welcome the road map document on the removal of illegal waste. The Minister spoke about the repatriation of waste. As other Members have said, illegal waste remains a big problem. A simple, all-Ireland solution would be to introduce a smart-card system to monitor the movement of waste from collection to disposal, and anywhere in-between, at any time. Is the introduction of such a system included in the road map document? If not, will the Minister bring it to the attention of both Governments at the next appropriate meeting?

Mrs Foster: I will deal first with Mr Gallagher's question about the establishment of a paper mill and why that work is taking so long to conclude. A

feasibility study was published in August 2006. That study needs updating to reflect the current market view, and that is being done. The business case for a new mill will focus on synergies with the waste management industry. We must take cognisance of the work of the Strategic Waste Board in Northern Ireland, to which I have already referred. Extensive stakeholder consultation will also be necessary. All options for the establishment of a paper mill must be tested.

Mr Gallagher also asked about future co-operation on the illegal cross-border dumping of waste. As Mr Elliott mentioned, joint enforcement activities to tackle small-scale movements at an operational level are ongoing. Large-scale illegal movements have mostly ceased; we are now dealing with small-scale activities. There is continued vigilance on either side of the border, and further covert cradle-to-grave operations are planned.

The Member referred to the use of a smart-card system to track the movement of waste from start to finish. We are planning covert operations to deal with the movement of waste across the frontier as well. Those targeted actions are a strong deterrent and a means of rigorous assessment. That is how we plan to tackle the dumping of illegal cross-border waste.

Mr Ford: I also welcome the Minister's statement, on which I have two questions. In referring to management plans for river-basin districts, she highlighted the Neagh/Bann area. Given that the Lower Bann drains about 40% of Northern Ireland and a few dozen townlands in north Monaghan, will the Minister assure us that the necessity to seek cross-border co-operation will not curtail her Department's essential work to ensure the highest standards in Lough Neagh are maintained?

The Minister also welcomed progress made by the North/South market development steering group on recyclables but did not spell out what progress had been made. Can she provide Members with some detail?

Mrs Foster: I have no difficulty in giving the Member the assurance that he needs about the Department's work at Lough Neagh. We will continue to monitor its water quality. One benefit of the river-basin management plans is that we have been monitoring water quality closely.

The Member also asked about the market development of recyclables. I do not have that detail to hand, but I am happy to write to him with that information.

Mr Hamilton: I thank the Minister for her statement. Will she clarify whether the important issue of climate change is mandated for North/South co-operation or is the matter dealt with in a wider, UK context?

Mrs Foster: I welcome the opportunity to clarify the matter as there are reports in the press today that a

new North/South steering group has been set up as a result of the Minister of Agriculture's statement in the House yesterday.

No new steering group on climate change has been set up — climate change is not a mandated area for co-operation on a North/South basis because targets under the Kyoto protocol and at European level are set at member state level. Such actions would involve a mix of reserved matters — for example, fiscal policy, and devolved matters — and it would, therefore, be natural that our policies would have a Westminster focus and not a North/South focus.

Recently, the Executive have opted into the United Kingdom's Climate Change Bill. It is important that we are part of that Bill, which is at an advanced stage. I believe that it was published last week and may be in the House of Lords.

The Irish Government have similar arrangements to that Bill, but they are not at a similarly advanced stage. Therefore, I am happy with the progress that has been made in relation to climate change.

Mr Shannon: What discussions has the Minister had, through the North/South bodies, with local councils about the significant input that they may have on recycling and on the paper mill? Have there been any discussions about where the paper mill may be located?

Mrs Foster: The answer to the latter question is no, because we are only at the feasibility stage and are not yet at the stage where we can identify where the paper mill should be located. We are carrying out economic appraisals to see whether it would be workable, and what the level of private-sector interest in a paper mill would be.

As regards the Member's point about council involvement with such a paper mill — such involvement would be through the Strategic Waste Board, which is at a crucial stage, having been given finance proposals through the investment strategy for Northern Ireland, indicating how much capital it will receive for its plans for strategic waste. Therefore, it is through the Strategic Waste Board that the councils will make contact about how to dispose of waste.

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

Mr K Robinson: What discussions, if any, took place regarding the Erne/Shannon link and the water quality therein? If discussions have not taken place, are there any such plans for the future?

Mrs Foster: The only discussion that took place in relation to the Erne/Shannon link was about the Shannon international river basin district. Only 2.5 square kilometres of that river basin district is in Northern Ireland; therefore, there was not much focus

on that. If the Member has a specific issue that he wishes me to raise, I would be happy to do so.

EXECUTIVE COMMITTEE BUSINESS

Children (Emergency Protection Orders) Bill Final Stage

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

That the Children (Emergency Protection Orders) Bill [NIA 6/07] do now pass.

I have asked for the Children (Emergency Protection Orders) Bill to be introduced by accelerated passage in order to repeal a provision in article 64(8) of the Children (Northern Ireland) Order 1995, which had been determined in judicial review proceedings to be incompatible with human rights legislation. For that reason, it is vital that we repeal the article.

My proposal was supported by the Committee for Health, Social Services and Public Safety, and the Executive, and the various stages of the Bill have passed to the final stage without challenge or amendment from the Assembly. I thank all those who have endorsed the introduction of the Bill for allowing it to pass through all the stages so quickly.

Mr Deputy Speaker: There are no other Members to speak on this issue.

Question put and agreed to.

Resolved:

That the Children (Emergency Protection Orders) Bill [NIA 6/07] do now pass.

Legislative Programme 2007-08

Mr Deputy Speaker: The Business Committee has agreed to allow up to two hours for this debate. The First Minister will propose the motion. All other Members will have five minutes in which to speak.

One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech.

The First Minister (Rev Dr Ian Paisley): I beg to move

That this Assembly takes note of the Legislative Programme for the 2007/08 session, as agreed by the Executive on 18 October, and conveyed in the letter of 19 October 2007 from the First Minister and deputy First Minister to the Speaker.

I want to preface my remarks with words of the strongest condemnation on the attacks at the weekend against certain Roman Catholic priests. Such attacks must be condemned. I hope that quick action will be taken to bring the people who perpetrated those attacks to justice, and that they will pay the price for breaking the law.

In Cookstown, two men broke in through a window at the parochial house on Convent Road, where two priests live. They ransacked downstairs, woke one of the curates, and threatened him with a knife before taking cash and a car. Another such incident occurred in the city of Belfast. I utterly condemn those attacks. The people of Northern Ireland must put those who are responsible in the corner. I am sure that my expression of worry, sadness and condemnation on the matter is supported by every Member of the House.

Some Members: Hear, hear.

The First Minister: Mr Deputy Speaker, the motion that the deputy First Minister and I have laid before the House asks the Assembly to note the Executive's legislative programme for the 2007-08 session. The House will be aware that we wrote to the Speaker on 19 October, immediately after the Executive had discussed and agreed their legislative programme. We did so in recognition of the House's keen interest in, not to say impatience to receive, the details of its content.

The deputy First Minister and I believe, moreover, that it is important to afford Members an opportunity to consider and express their views on the overall content of the programme by tabling a take-note motion. This debate provides that opportunity. I am, however, conscious that the bulk of the Assembly's work on the programme — the detailed scrutiny of each Bill by the Committees and the ultimate debates on the Floor of the House — is still to follow.

I am confident that Members will carry out their responsibility to scrutinise the legislation thoroughly

and diligently at each stage in its passage in order to ensure that what comes out at the end of the process is fully relevant to the community's needs. Of course, that is not the only legislation that will be considered by the Assembly. Since restoration, well over 100 statutory rules have been subject to scrutiny by Committees. We do not envisage any lessening of that activity.

Where it is to the Assembly's advantage, provisions for which it is responsible are being included in certain Bills to be brought forward in another place. That will, of course, require the approval of the Assembly. Several legislative consent motions will be tabled in order to allow the House to make a final decision on such matters.

The legislative programme — or what some Members saw as the absence of one — has recently been debated in the Chamber. Members have had the opportunity to express their views on the need for the Executive to inform the Assembly of their legislative intentions for the current session.

11.30 am

Without wishing to pre-empt Members' comments or to rehearse unduly the arguments of the previous debate, I echo what the junior Minister Mr Paisley Jnr said on that occasion about the production of a legislative programme. The Assembly and Executive were restored to bring back accountability and to make the work of the Government here more relevant. The Executive could not — and did not — take up office to adopt, without question, the policies and legislative proposals of their predecessors

Against the backdrop of finalising an agreed Programme for Government, Budget and investment strategy, we intend to bring to this process our own thoughts, strategies and policies, and to implement what the public needs and expects us to put in place. The legislative programme is an important part of that process. Undoubtedly, Members will have considered the content of the programme in the period since our letter to the Speaker. However, I place on record the Executive's legislative intention to pass 18 Bills in the current session of the Assembly.

A priority of the draft Programme for Government is to deliver modern, high-quality and efficient public services, which demonstrate our commitment to world-class public services that meet the needs of the people of our Province. Therefore, an important part of the programme will be legislation to bring about significant change in the administrative structures of the public sector in Northern Ireland. The Assembly is already considering a Bill to reorganise the library services, and during this session, a Bill will also be introduced to reorganise education structures.

The junior Ministers will present a miscellaneous public authorities reform Bill to the Assembly on

behalf of a number of Departments. The Minister of the Environment is conducting a review of previous decisions on the reorganisation of local government. The Minister of Health, Social Services and Public Safety is conducting a similar review of health and social services structures and, depending on the outcome, further legislation may be required in due course.

The Minister of Agriculture and Rural Development is reviewing the adequacy of existing legislation to tackle animal disease outbreaks. That task has been given added impetus by the recent outbreaks of foot-and-mouth disease, bluetongue and avian flu in England. A number of gaps in current provision have been identified and, after consultation on a draft, a diseases of animals Bill will be introduced to rectify those deficiencies by enabling the Department of Agriculture and Rural Development to implement appropriate measures to prevent the introduction and spread of disease.

The Assembly is currently considering the detailed provisions of the Taxis Bill. The Minister of the Environment also intends to introduce legislation on goods vehicle operator licensing to ensure the safe and proper use of goods vehicles, fair competition in the industry and protection of the environment around operating centres. It will also enable more effective enforcement in order to contribute to the fight against organised crime.

The Minister of Finance and Personnel will, as usual, seek statutory approval for the 2007-08 Supplementary Estimates and a Vote on Account for 2008-09 in the Budget Bill in February, while approval of the Main Estimates for 2008-09 will be sought in a further Budget Bill in June.

In addition, following consultation on a draft, a presumption of death Bill will be introduced to allow for the registration of a death in circumstances where a missing person is presumed dead but the body has not been recovered. The issuing of a death certificate in such instances will help to tackle some of the difficulties that arise in such tragic circumstances, including administering the estate and claiming benefits and life insurance.

The Finance Minister will also introduce two further Bills to modernise building regulation procedures and to make arrangements for civil registration.

The Health (Miscellaneous Provisions) Bill was introduced in the Assembly before the summer recess and the Children (Emergency Protection Orders) Bill was passed by the Assembly earlier today. In addition, the Minister of Health, Social Services and Public Safety intends to introduce a short, technical public health amendment Bill to allow the Department to make regulations in connection with contamination

and thus comply with World Health Organization international health regulations.

The Minister for Social Development has already introduced a Pensions Bill to improve the coverage, generosity and sustainability of the state pension and to introduce some simplification measures for private pensions. She will also bring forward a further three Bills.

A major charities Bill will overhaul the entire system of charities regulation in Northern Ireland and provide for the establishment of an independent charities commission and compulsory registration.

For people who contract a particular, invariably fatal, form of cancer usually caused by exposure to asbestos fibres, a Bill will provide for lump-sum payments to be made to them or their dependents within six weeks of making a claim. That will give sufferers some comfort in those tragic circumstances by ensuring that they can receive some compensation while they can still benefit from it, and, at the same time, that their families will be secure in the future.

Finally in relation to the Department for Social Development, a child maintenance Bill will reform the present child-support system by creating a simpler system that enables and encourages parents to make their own arrangements, but that delivers firmly and more effectively for parents who need help in arranging maintenance.

I hope that the House will accept this programme as evidence of the Executive's intention to make a positive difference to the community. As I said at the beginning of my speech, Members will have the opportunity to undertake detailed scrutiny of the legislation in the appropriate Committee setting when each Bill is introduced. It may not, therefore, be either possible or appropriate for me to respond today on matters of detail that are still to be determined or that will be subject to change, and, in a number of cases, to the agreement of the Executive. Nevertheless, I will ensure that Members' views on particular proposals are brought to the attention of the relevant Ministers of the Executive.

The introduction of legislation is not an end in itself. It represents one, albeit important, stage between policy development and implementation. We are at the beginning of a process which, over the session, should, with the advice and support of the Assembly, result in important and beneficial changes for the people of Northern Ireland. I commend this programme to the House.

Mr Ford: I beg to move the following amendment:
At end insert

“; but expresses its regret that the Programme represents little new thinking or innovation on the part of the Executive, and that key matters requiring legislative action remain unaddressed.”

Although the motion is a take-note motion, its mood is somewhat self-congratulatory. That is why I take great

pleasure in moving the amendment in my name and those of my colleagues on the opposition Benches.

This is the first of three key debates that we will have over the next week or so: the others will cover the draft Programme for Government and the draft Budget, but this is our first opportunity to see the limits of the Executive's aims and ambitions. What we have been presented with is so modest that a harsh person — though not me — might describe it as pathetic.

In his statement, the First Minister said that:

“The Executive could not — and did not — take up office to adopt, without question, the policies and legislative proposals of their predecessors.”

However, there is virtually nothing in the legislative programme just outlined by the First Minister that is anything but what went before.

Let us have a quick look through the 18 Bills that make up the legislative programme. Issues such as libraries, education structures and reform of public authorities have been floating around in the review of public administration for several years. Legislation on diseases of animals could easily have been introduced under direct rule. Taxis were being discussed before the Assembly was suspended in autumn 2002, and road freight licensing legislation has been delayed for nearly as long. There have been two Budget Bills: well, we all know that nothing is more certain than taxes, and that those Bills will happen.

The Department of Finance and Personnel has produced three tidying-up Bills, dealing with presumption of death, building regulations and civil registration. The health (miscellaneous provisions) Bill is a modest undertaking. The Children (Emergency Protection Orders) Bill, which we have just passed, complies with obligations under human rights, and the public health (amendment) Bill complies with the requirements of the World Health Organization.

The tidying-up of charities legislation, though welcome, has been floating around for ages and is long overdue. Legislation on pensions, mesothelioma and child maintenance are being introduced simply to achieve parity with the relevant law in Great Britain. Therefore, to suggest that their programme is one of significance and substance rather stretches the imagination, given what we have come to expect from the Executive.

The programme is a mixture of legislation to achieve parity with GB, matters in long gestation, routine business that could have been done at any time, and issues such as the Taxis Bill, which was first drafted as an Order in Council for consideration at Westminster. Almost the entire package could have been written by Shaun Woodward, or, even worse, by Peter Hain. We have been fed a line in the Chamber — the deputy First Minister has used it to me at least twice — that

all that matters in relation to the concept of a shared future is the sight of an Executive governing together. Yet, not a single departmental Minister is present in the Chamber to discuss the legislative programme. The deputy First Minister and the two junior Ministers arrived during the First Minister's speech: not one other Minister is interested in being here to take part in what is supposed to be one of three key debates. That shows the paucity of the proposals contained in the legislative programme.

There has to be more to devolution than is contained in the programme. There must be more to the concept of a shared future than the sight of the First Minister and the deputy First Minister doing their well-renowned "Chuckle Brothers" act. Anyone who was in the Chamber earlier today, never mind yesterday, having seen the way in which Back-Bench Members from their two parties sniped at each other, would conclude that they are a long way from coming together and building a shared future as parties.

The issue is now one of delivery, because devolution has to be about delivery. What have the Executive done since 8 May 2007? They have produced a list of legislation that could have been produced by Shaun Woodward. Of course, it is not about what they have done since 8 May. All four parties in the Executive had special advisers funded by Peter Hain since the side deals made alongside the St Andrews Agreement. What have they done with the time that their special advisers had to prepare a Programme for Government? What happened in those meetings of the Committee for the Programme for Government last autumn and winter, from which we were excluded, but in which four parties supposedly set down a Programme for Government? All they have done is recycle what Shaun Woodward or Peter Hain would have done anyway.

If Peter Hain ever looks back to his time in Northern Ireland, I wonder whether he speculates on whether he got any value for money for the expenditure that he incurred here.

11.45 am

At last week's Question Time, the First Minister urged me to use my talents for the benefit of the Assembly. He described my talents as "vast", but I am not sure whether he "does" irony. I am prepared to use my talents, such as they are, for the benefit of the Assembly, but not to pretend that the failing Executive are achieving anything under devolution, because they are not.

The Alliance Party will diligently scrutinise the legislative programme, as the First Minister has urged. However, much of what is being proposed is parity legislation and, therefore, will not be subject to normal Assembly scrutiny. The Alliance Party will take the responsibility of opposition rather more seriously than the Executive are taking their responsibilities.

Mr Neeson: If there is to be an Opposition in the Assembly, as is currently provided by the Alliance Party, it is incumbent on the Ulster Unionists and the SDLP to join us in providing a real, effective Opposition.

Mr Ford: I thank my friend for his contribution. As always, he demonstrates the benefit of having over a quarter of a century's experience in an Assembly.

The performance of the previous Executive was poor. However, Members are now receiving a list of Bills, as though a high number equates to quality or illustrates innovative thinking. Had a similar exercise been carried out during the previous mandate, adding up the number of Bills and comparing us with Scotland might have resulted in a dubious impression of what was happening. On one occasion, the Scottish Executive abolished feudal land tenure and we changed the name of the Department for Employment and Learning. I suspect that the current Executive's ambitions are even lower.

The Assembly could, for example, examine some of the motions that have been passed in the Chamber, and perhaps Ministers could take note of those. Perhaps I should not mention the Agricultural Wages Board, lest I embarrass the deputy First Minister's colleague. Outstanding issues include the registration of landlords and a legislative equivalent to the Football (Offences) Act 1991 — the Assembly could, at least, start the preparatory work on that. Several issues have been floated and widely supported in the Chamber, such as the appointment of a commissioner for older people and associated carers' responsibilities, and nothing has been heard since.

I prefer to go back to some of my own party's proposals: for example, what has happened to the single equality Bill that has been floating around? Is it too embarrassing for the Executive to introduce a Bill that has been floating around for years without any sign of legislation? What about a Bill to deal, not with the structures of education, but with essential reforms to the education of our children and young people? Those children are suffering as they wait to see what will happen, but there is nothing coming from the Executive about dealing with the aftermath of the 11-plus debacle. Those vital issues are being ignored, but they matter in the lives of ordinary children and their parents.

Alternatively, take a few examples from the field that I have concentrated on in both previous and current mandates. At the time of suspension in 2002, a private Member's Bill on marine conservation had been prepared, but now nothing is happening. The Committee for the Environment had been giving detailed consideration to the Planning (Amendment) Bill and other issues, such as tree preservation orders. My new constituency colleague from South Antrim Dr

McCrea and I had been dealing with the issues, but nothing has come back.

The Department of the Environment acknowledged that the legislation that it pushed through in the form of an Order in Council at Westminster, after the previous Assembly was suspended, did not adequately deal with areas of special scientific interest (ASSI). However, no action has been taken since on that — never mind the fundamental issue of an environmental protection agency, which the Assembly supported in principle just a few weeks ago.

What has happened to the vital issue of mental health, and the matters that flowed from the Bamford Review? Everyone pays lip service to those in the Chamber, but there is no sign that the Executive will act.

In 2001, the Assembly voted in favour of the principle of free personal care. However, a year later, the amendment proposed by my friend Kieran McCarthy was voted down. Suddenly, all the parties reinserted the issue into their manifestos, but where is it now? Nowhere. Outside the Chamber, people might use unparliamentary language such as “hypocrisy”, but, of course, I will not do so. However, many Members say one thing when it is convenient to do so and vote to the contrary when the chips are down in the Chamber.

We have a lowest-common-denominator Executive: nothing goes through unless it does not offend the sensibilities of the DUP or Sinn Féin. That is not a recipe for good Government. It is not a recipe for a shared future. It is not a recipe for devolution delivering.

It is a recipe for stasis. The amendment represents a challenge, not only to the two main parties on the Executive, which are signally failing, but to the parties that sit at this end of the House. Are those who aspire to be, or who masquerade as, the Opposition willing to listen to the nonsense that has come from the First Minister, and that will no doubt come from him again during his winding-up speech, or are they willing to show that they believe that the Assembly must be about real business and delivery?

The only way in which the Assembly can send a message to the Executive that they report to the Assembly and not vice versa is by voting in favour of the amendment. The alternative is to accept that nothing will happen unless it can be squeezed through, as the lowest common denominator, by the advisers to the First Minister and the deputy First Minister. However, that will achieve nothing for the people of Northern Ireland.

Some Members: Hear, hear.

Mr Moutray: I welcome the Executive’s legislative programme for 2007-08. The Executive agreed the programme on 18 October 2007, and it was conveyed to the Speaker on the following day. It can be viewed

as a progressive step to greater things, but it will take many years to measure its success.

The legislative programme is a fundamental and imperative document for the Assembly, and, as elected representatives, we should welcome it. After all, we have been elected to this body to legislate. Our duty to the electorate is to introduce, amend and implement legislation that will benefit Northern Ireland and its citizens. We must aspire to meet the challenging but achievable targets that are contained in the legislative programme. If such a programme is managed, steered and directed effectively, it will provide significant long-term benefits to the economy, to society and to businesses, for future generations.

The 18 Bills that the Executive have noted and recorded cover a wide range of economic, social and financial issues that all directly affect our nation and specifically tackle the issues facing Northern Ireland. We, as elected representatives, want to improve the lives of everyone in Northern Ireland. There is no doubt that the legislative programme is a step in the right direction.

The DUP has long advocated that Northern Ireland is best governed locally. Local politicians know the issues that affect homeowners and businesses in their constituencies. For too long, our Province was governed by people who had little or no interest in what was good for Northern Ireland’s citizens. Simply because something was good for someone living in London did not mean that it was good for someone living in Lurgan. The legislative programme has opened up what has traditionally been a closed process. It gives Members and the public foresight of the legislation that the Executive plan to introduce in this session.

There will be an opportunity to scrutinise Bills, many of which will secure real benefits and improvements across the board for the people of Northern Ireland. The proposed charities Bill will overhaul the entire system of charities’ regulation in Northern Ireland, particularly with the establishment of an independent charities commission. The Bill will ensure that Northern Ireland has a robust framework in place for local charities that are committed and dedicated to carrying out good work for some of the most disadvantaged in our communities.

The proposed education reform Bill is important, as it will restructure education bodies and their functions in line with the review of public administration. Such a Bill will afford us the opportunity to focus on local issues and to centre our attention on ensuring that our children and young people experience a locally designed and structured education system. Therefore, I urge the Minister of Education not to falter with that process but to mark it with a note of urgency.

The Budget Bill is also important. It is clear from the recent publication of the draft Budget that the primary focus is on economic growth. Is that not an indication of what is to come? Does that not raise the long-term commitment to building a better future for the people of Northern Ireland? As the Minister of Finance and Personnel, Peter Robinson, stated in the House on 25 October:

“For almost 10 years, we have seen very significant increases in public spending in Northern Ireland.” — [*Official Report, Vol 24, No 10, p491, col 1*].

Through the draft Budget, the Executive have set a course that will meet the Province’s needs through ensuring value for money. The draft Budget has laid the foundations for a better future for everyone in Northern Ireland.

That was demonstrated, and clarified, in the First Minister’s announcement that spending proposals will total almost £10 billion next year and will grow to nearly £11 billion by 2010-11. That is a far cry from the previous announcement of £6 billion. The figures reflect substantial growth in public spending over recent years and demonstrate the benefits of the legislative programme.

The programme contains 18 Bills that aim to meet the rising aspirations of people in Northern Ireland by providing new and better opportunities for all. However, I issue a note of caution: as Members are aware, it will be important to consider the proposed Bills in context and set them alongside other changes taking place. With that in mind, it must be noted that legislation alone will — without doubt — not suffice to meet the needs of the people of Northern Ireland. Instead, it is an imperative stage between policy development and implementation. It is time that the Assembly got down to business and embraced the legislative programme.

Ms Anderson: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom tacaíocht a thabhairt don rún seo. I support the motion.

Members will agree that the worst kind of legislation is not only drafted quickly but does not have the necessary backup to enforce it. Without a proper Budget and the knowledge of what spending is in place, it would be impossible to know what type of legislative programme the Assembly could afford and what resources it would have to support such legislation. Therefore, it is important that the Assembly produces proper and necessary legislation. It is also important that the Assembly reviews and amends certain legislation that was introduced during direct rule. Much of the legislation that was introduced under the old Executive must also be reviewed, particularly the Durkan tax — I mean the water tax — and the rates review.

Members recently expressed concern in the Chamber that the Assembly was not processing enough legislation. However, the same amount of legislation had been introduced —

Mrs D Kelly: Will the Member give way?

Ms Anderson: No; I have no time.

The same volume of legislation was introduced in the nine weeks of the present mandate as was introduced in the first eleven weeks of the Assembly that commenced in 1999. Furthermore, there is no evidence of the Members who voiced those concerns tabling private Member’s Bills, or Bills that could be brought to the Floor through Committees. I sit on the Committee for the Office of the First Minister and deputy First Minister, of which Mr Kennedy is the Chairperson and Naomi Long is the Deputy Chairperson. Until now, the business of that Committee has not included proposals to make or amend legislation and no ideas on how to do so have been suggested.

Sinn Féin supports the Office of the First Minister and deputy First Minister (OFMDFM) motion, which has the endorsement of all members of the Executive, on the understanding that it only represents the beginning, and seeks the listing of the single equality Bill in the future. Members must also table motions that propose changes to legislation or call for the introduction of new legislation that reinforces the Executive’s Programme for Government commitments — for example the motion that called for a single equality Bill.

OFMDFM must ensure that the Executive’s legislative programme is built on hope and opportunity. Without doubt, good governance cannot be measured by the number of laws that are made, and the Assembly should not implement legislation willy-nilly that direct rule Ministers had planned. As the First Minister said, the Executive have brought forward their thoughts, strategies, policies, and post-consultation outcomes. Implementation should reflect what people need. For some who work in the system, the preferred option might have been to simply extend the current patterns and follow the policies of direct rule Ministers. Thankfully, those days are over and done with. The introduction of a legislative programme is not an end in itself, but instead represents one — albeit important — stage between policy development and implementation.

Legislation that is based on inadequate policy development and consideration is bad legislation and will lead to problems when it is implemented. It is therefore right that Ministers are fully satisfied about the purpose, effect and intention of legislation before they bring it to the Chamber. Sinn Féin fully endorses that process.

12.00 noon

As an MLA who represents Derry — and in the context of the Stand up for Derry campaign — I want to see a future roll-out of policy that will tackle regional disparities. I want to see the creation of more jobs; the building of more social and affordable housing; and investment in health, education and infrastructure in the North's second-largest city — Derry. That is what the Budget and the investment strategy must do to support the Programme for Government commitments and the basis on which legislation should be built. We have a Programme for Government that affords us many opportunities in the time ahead, which legislation can make realisable. People in my city were heartened by the First Minister's comments last week that the investment strategy would tackle regional disparities. We are sure that the evolving legislative programme will reflect that — and much more. Go raibh mile maith agat.

Mr Kennedy: I thank Dr Paisley, the First Minister, and the deputy First Minister for responding to the successful private Member's motion, in my name, that demanded that a legislative programme be laid before the House before the Halloween recess — merely one week after the debate took place. I will not labour the point, but until that Ulster Unionist Party motion was passed, we had been waiting almost six months for some action. The phrase "better late than never" springs to mind.

Dr Farry: Will the Member give way?

Mr Kennedy: No; my time is limited. The legislative programme laid before the House covers animal health, road freight, building regulations, the Budget, Main Estimates, Supplementary Estimates, the presumption of death, civil registration, children's emergency protection Orders, contamination legislation and a range of other measures. That is in addition to the three Bills that were recently introduced on health, taxis and libraries. The legislative programme was presented to the public in a fanfare as an unprecedented rush of legislation with 18 new Bills coming before the Assembly. That kaleidoscope of scattered measures addressed a range of issues that had already been flagged up by the respective Departments. Therefore, the legislative programme might be properly described as a major housekeeping exercise by the Executive, and it appeared to be a legislative programme designed by a committee — which, of course, it was.

Suffice it to say that there does not appear to be any central organising principle around which the legislation is structured. It is not so much driven by ideas as by the desire to put something — anything — before the House. Perhaps that is an inevitable outcome of our enforced coalition Government: there is no coherence to the legislative programme that they produce.

Nevertheless, it is an outcome, and we must be grateful for that. Although it does not appear to have any central ideas, there are, at least, some useful measures in it that will improve the way in which Northern Ireland is governed and will progress the process of improved administration in the Province.

The Programme for Government is conservative in nature. It is supposed to be structured around five major objectives: first, to grow a dynamic and innovative economy; and secondly, to invest and build our infrastructure. Those related objectives are said to be at the heart of the Programme for Government, and no one in the House would take issue with those objectives. Rather, Members will want to support them and work tirelessly and earnestly with the Executive for their promotion and realisation. However, nowhere in the Programme for Government is there any legislation related to those objectives, and that is why so many commentators have described the Programme for Government as an aspirational document rather than a concrete legislative programme.

The lack of a wider range of specific business measures may, in part, be a testimony to the Executive's failure to obtain a peace dividend from the notoriously tight-fisted former Chancellor of the Exchequer — now the Prime Minister.

Industrial rates have been held at 30%, which is good. That helps hold down the capital costs of running a business, and I compliment the Minister of Finance and Personnel on that decision. I will be looking for more business-friendly decisions in the months and years to come. The Executive have been described as business friendly, but in the future we will need to see less hype and more indicative measures to allow them to claim that distinction.

In other spheres the Programme for Government is a little disappointing and underwhelming. The Executive's declared objective of promoting tolerance, inclusion, health and well-being is somewhat lacking in the programme. The Pensions Bill and public health amendment Bill are parity measures, as are others. I wonder how many of the Bills that are presented to us as an exciting departure from the torpor of direct rule were, in fact, born in the womb of the Civil Service machine.

Mrs D Kelly: The legislative framework that has been outlined by the First Minister, Dr Paisley, neglected to mention the single equality Bill and the EU gender directive. It is interesting to note that at the meeting of the Committee for the Office of the First Minister and deputy First Minister last week we were informed that this House's failure to introduce the legislation in line with the EU directive has financial implications for the whole of the UK. This Assembly, more than any other legislature, seems to have difficulty with equality legislation and, in particular, that which provides

equality across genders and all sexual orientations. That is a great shame on the Executive, and one has to wonder at the silence of the First Minister on that particular subject in his statement to the House.

In the last couple of weeks, the Minister of Finance and Personnel, Mr Robinson, has talked about how much of his Budget and the Programme for Government was made in Northern Ireland, and yet, as previous Members outlined, there is very little before us today that has been made in Northern Ireland. I challenge the First Minister, in his reply to the House, to outline which of the 18 Bills are peculiar to Northern Ireland. Which are the brainchild of the Executive and not actually the legislative framework that the direct rule Administration had indicated for the coming year?

The First Minister also said that the programme was particular to the people of Northern Ireland. How much consultation has taken place? How many of the promises — made by Sinn Féin and the DUP in particular in their manifestos — to deliver for the people of Northern Ireland have been transformed into legislation? I see very little evidence of that.

One striking omission, about which there has already been a lot of consultation, and which is the cause of many neighbourhood disputes, is legislation to deal with the issue of hedges and tall trees. It should be simple to address that matter, which causes great angst in communities, but it has not been outlined in today's statement. Where is it? There appears to be no intention to deliver on that.

Martina Anderson the Member for Foyle is a great political revisionist. Not only are we to believe that the last 30 or 40 years of violence did not happen, we are also to believe that Sinn Féin did not play an active role in the previous Executive; did not set before this House a Programme for Government; and did not have anything to do with the past, politically or otherwise.

Lord Morrow: I was interested to hear the Member say that the previous Executive was made up of all the parties. Does she not realise that her party is in the Executive also, and that the SDLP, therefore, has countersigned the legislative programme? When the Member is berating everyone else, she must remember that she is also berating her own colleague.

Mrs D Kelly: I thank the Member for his intervention. However, unlike many Members of the House, I do not suffer from short-term memory loss or amnesia. I am very much aware that Margaret Ritchie plays a full, active and leading role in the Executive and that she made one of the most courageous decisions — if not the most courageous decision — that the House has ever seen.

Mr A Maginness: Unsupported by the others.

Mrs D Kelly: Indeed, Members — unsupported by many others.

That is very interesting, and Ms Anderson may well note that the Strategic Investment Board (SIB) — which was the brainchild of the SDLP, assisted by the Ulster Unionist Party, and voted against by both Sinn Féin and the DUP — has now taken the lead role in economic delivery and investment, not only in the Belfast area but right across the North.

Legislation to create an independent environmental protection agency was debated in the House, and many Members, including those in the DUP, signed up for it. However, the legislative programme does not mention that agency. In the meantime, however, our wonderful landscape, countryside, boglands, and areas of special scientific interest are being used as dumping grounds, not only by industries across the North, but by those from further afield. It is a great shame that the Environment and Heritage Service (EHS) has so far failed to protect our countryside and that the Executive have failed to establish an agency that will ensure the protection of the environment.

I concur with David Ford about a shared future. My party deeply regrets that the Executive do not endorse the shared future strategy and that there is nothing in the draft Programme for Government that facilitates building on reconciliation and community relations. Indeed, the draft Programme for Government contains a retraction on funding for community relations projects.

I agree with Mr Ford: the draft Programme for Government is a great disappointment, and it will do very little for Northern Ireland.

Mr Spratt: I welcome the debate on the legislative programme, and I congratulate the First Minister and deputy First Minister and the Executive for producing such a broad-ranging and applicable agenda. It is the task of Members of the Assembly to ensure that, as public representatives, we deliver legislation that is for the betterment of Northern Ireland. It is important that we make a difference to individual lives and show that devolution is working and that it is worthwhile.

Some in the Chamber have sought, on numerous occasions, to undermine the Assembly and the Executive and to erode public confidence in this body. Several of those Members are sitting in the Chamber today. Indeed, the honourable Member for South Antrim Mr Ford has just given us a good example of such behaviour. However, I hope that today will remind Members — including those who describe themselves as being in opposition — that all good things come to those who wait.

I believe that the legislative programme, which contains objectives for improving the lives of our constituents and for improving Northern Ireland

economically, can be achieved. Time constraints and the fact that other Members wish to speak mean that although I will not discuss each Bill individually, I will comment on a couple of items that are included in the programme.

The Pensions Bill will mean that there is real improvement of the coverage, generosity and sustainability of the state pension. It will also mean that the provision of private pensions will be simplified. That will make a difference to the most vulnerable in our society, who see every pound as a prisoner. Indeed, they will gratefully receive those pounds.

Last week, a constituent of mine mentioned the importance of the proposed charities Bill. He said that the regulation of charities was of particular interest to him in his role as a pastor who is involved in both Church and charitable work. He was absolutely delighted to hear that the proposed charities Bill was included in the legislative programme. That is an example of devolution delivering and being responsive to the needs of local people and circumstances.

As has already been mentioned, the Budget is a very important aspect of the legislative programme, in that it provides the resources from which everything else flows. I congratulate my colleague the Minister of Finance and Personnel for the excellent work that he has done so far. Despite the growls and grunts of some, the way in which experts across the board have received the Budget shows the Finance Minister in a positive light both here in the Province and further afield.

12.15 pm

In conclusion, this legislative programme is only the first that will come before this House. We have a long road to tread in order to bring Northern Ireland up to the standard to which we aspire. This is a very welcome first step, and I believe that it will be a very good start for all the people of Northern Ireland. I commend and support the motion proposed by the First Minister.

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. Tacaím leis an rún seo fosta.

For some time, there has been a lot of expectation that legislation would be brought forward. I assume that Danny Kennedy was speaking as a Member, rather than as Chairperson of the Committee for the Office of the First Minister and deputy First Minister, when he mentioned the motion that he put forward. We are very grateful, because it was obviously the boost that we all needed.

Mr Kennedy: It was a winner.

Ms Ní Chuilín: Fair play to you, Danny.

At times, there has been a lot of impatience, and that has been reflected on occasions when people have genuinely raised concerns about the lack of legislation

coming forward. I am glad that the issue is being debated today. There is an eagerness and a desire for the Assembly to take responsibility for creating and passing legislation.

Even though the Assembly has only been going for six months, 18 pieces of legislation — and, as the First Minister said, over 100 statutory rules — have been introduced. I was not here before, and as one of the new kids on the block I am very grateful to David, Danny and Dolores for reminding me of the successes that they brought —

Mr Deputy Speaker: Order. Yesterday, the Speaker made it quite clear that Members should be referred to by their surname, the prefix “Mr”, or their constituency. Please use that terminology.

Ms Ní Chuilín: Tá brón orm, a LeasCheann Comhairle. David Ford, Danny Kennedy and Dolores Kelly reminded us all of the legislation and business of the previous Executive, and I am very grateful for that. However, that was then; this is now. We need to take responsibility to ensure that within the draft Programme for Government — and it is a draft — we have priorities that will deliver, as the First Minister outlined, high-quality and efficient services to a world-class standard. I do not think that anyone would disagree with that. We need to reorganise services and have a review of public administration, which will affect how local government has been organised and how our health and social services are structured, to mention two examples that have already been debated in the House.

The Department of Agriculture and Rural Development (DARD) is reviewing legislation to tackle the disease outbreaks that have been witnessed in England. We need to ensure that our agriculture industry is protected as far as possible and that we have robust legislation on the way forward. What is the problem with that?

We need to make a difference in people’s lives. That is paramount, and it should be our central principle when making legislation. This is not just about making legislation for the sake of it. Unless we can produce policies and legislation that have an impact on people for the better, then the cynics in this House, of whom there are many, will be right in thinking that this is just a tick-box exercise — a way of filling time or padding things out. We need to ensure that we are not reusing a script left to us by our direct rule predecessors. We each have a responsibility to come forward with policies, legislation and procedures.

I look forward to the devolution of policing and justice, which is currently under discussion in the Assembly and Executive Review Committee. I look forward to the day when we see legislation for the Irish language Act and the single equality Bill. I want to take this opportunity to say that I was disappointed

when the Irish language Act was treated so shoddily by the Minister of Culture, Arts and Leisure.

Having legislation is not the end of the process; it is the beginning. The greatest challenge for us will be in how we process that legislation and how we promote equality and human rights through its implementation.

If we look at the draft Programme for Government and at how we can proceed with the outworkings of the legislation that will stem from it, we will see that that will present a challenge for us all. The legislation will present a challenge for the scrutiny role of the Committees, through which we can look for a better future that is based on equality and objective need, rather than on the rhetoric of a shared future. Go raibh maith agat.

Mr Shannon: No teo lang ago a' cum iver a' saein whut saed if ther is a' wae tae dae ocht better..... fin it this we ken is whut is bein tried oot in this semble.

I recently came across a quotation that said:

“If there is a way to do it better — find it.”

Every Member in the Assembly is attempting to do that. We know that Northern Ireland can be run in a better way than it was in the past, and we are working towards finding a new way to deal with things. It is with that reasoning that the First Minister and deputy First Minister have introduced a legislative programme that attempts to put in place a better way of doing things.

We have not been given a clean slate that is without difficulties with which to work. Our turbulent past and often indifferent direct rule Administrations mean that we have many problems that we must sort through. Inherited issues and innate differences have made Northern Ireland's path a sometimes twisting and turning one. However, in the words of Winston Churchill:

“The pessimist sees difficulty in every opportunity. The optimist sees the opportunity in every difficulty.”

We can therefore see who the optimistic Members are in the Chamber today and who are the pessimists.

We have been given an opportunity to overcome the obstacles and to make Northern Ireland a place where our children do not experience the same problems in life that we had to deal with in the past. That is why a legislative programme has been drawn up that will begin to address the issues with which we must deal. The schedule for that programme incorporates the priorities that the Committee for the Office of the First Minister and deputy First Minister has highlighted should be the first port of call.

It is not hard to see that the many problems and difficulties that the people of the Province go through daily are wide and varying. It has been hard to prioritise one worthy issue over another. However, I believe that that has been done, and I believe that those priorities

are wide ranging and fair. When the Committee was formed, its mission statement comprised five main aims: growing a dynamic, innovative society; building a peaceful, just and stable society; investing to rebuild our infrastructure; delivering modern, high-quality and effective public services; and protecting and enhancing the environment and natural resources. As well as those aims, other priorities were listed, and I am sure that other Members will speak about a few of those.

Anti-poverty strategies have been high on the list of priorities, and it is not difficult to see why. Although people from the Province are famous for their generosity to good causes, we are far from living in a Utopia that has no poverty on its doorsteps. In my constituency, such a Utopian state is, unfortunately, a far cry from reality. A list of the so-called hot spots of child poverty was brought recently to our Committee. I was dismayed to find that Ards and Strangford had the sixth-highest level of child deprivation, with 30% of children there being classified as deprived. Although I was dismayed, I must admit that I was not entirely shocked.

The Assembly discussed child poverty not so long ago. That debate brought to people's attention the fact that children other than those in Third World nations suffer too. In our previous debate on the matter, the First Minister and deputy First Minister committed to making a priority the eradication of child poverty within the next 12 years. I have asked that targets be set along the way in order that we can ensure that we can get a good hold of the position.

I am sure that no Member would argue against setting the eradication of child poverty as a top priority for the Assembly. I have heard it said that the mark of any society is the manner in which it treats its vulnerable, who, in this case, are our children. People in Northern Ireland are noted for having large hearts, and those must be shown first and foremost to our own people, supported by the idea that charity begins at home.

That idea forms the basis of another priority: the elderly people who live in the Province. Indeed, another Member spoke about that matter earlier. Since 2004, energy prices have risen by some 80%, but average incomes have risen by 6% and benefits by 2%. It is clear that the figures do not add up. That means that elderly people must choose between either keeping warm or having food in their stomachs. I am relieved that the First Minister and deputy First Minister have made a commitment to change the awful fact that 1,360 older people in Northern Ireland die each year as a result of cold weather.

I have also recently stated that the way in which widows and orphans and those who have been injured in the Troubles are treated does not do justice to the sacrifice that those people and their families made. It is therefore a right and notable priority to ensure the fair

treatment and fair representation of the victims and survivors of the Troubles.

I could touch upon many issues and highlight the facts that make it imperative that they be treated as priorities, yet time does not permit me to do so. I will leave that to other Members and close with another reminder. We are not where we want to be, not where we are going to be, but thankfully we are not where we used to be. We will get there, and we will make a difference in Northern Ireland.

I commend to the House the statement from the First Minister and deputy First Minister.

Mr Elliott: I want to put on record my thanks to the First Minister and deputy First Minister for setting out the legislative programme for the 2007-08 session.

The people of Northern Ireland have waited patiently for legislation to flow from an accountable and responsive local Executive. However, I must qualify that by saying that I want to see useful legislation coming forward, and not, as has happened in the past, legislation that is not for the benefit of the people of Northern Ireland. We have seen far too much legislation flow into some areas, particularly one of which I have some knowledge — agriculture. Quite a lot of the legislation brought forward by direct rule Ministers was detrimental to that industry.

I question, however, whether the legislative programme set out before the Assembly today will deliver the strategic objectives that the First Minister and the deputy First Minister set out in the draft Programme for Government. The Bills that have the potential to be ambitious are outlined in such a vague manner — although I appreciate that all the detail cannot be included at this stage — that I fear that agreement on the content of many of those Bills has not yet been reached.

In the draft Programme for Government, the Executive set out five clear priorities concerning their desire to grow a dynamic and innovative economy. Setting aside the Budget, there appears to be no legislation that deals specifically with any of the key goals outlined for that priority. It is not a legislative programme that will help deliver a more flexible workforce, create higher-value-added jobs or inspire young people either to remain in, or to return to, Northern Ireland.

On the goal of improving the infrastructure, there is no specific legislation in the programme that seeks to facilitate the achievement of that necessary priority. While the Programme for Government and the investment strategy speak grandly of a renewed infrastructure for Northern Ireland, there is little evidence of any legislative commitment associated with that. Questions surely must be asked about the importance given to the infrastructure by the legislative programme.

With regard to the goal of protecting and enhancing the environment and natural resources, I welcome the Executive's amendment to the buildings regulations, which will allow the Department of Finance and Personnel to promote sustainable development and the further enhancement and protection of the environment. However, the current environmental protection system helps only to bring small, minor, discrepancies to the fore and completely misses the big environmental destruction that takes place in the Province.

On the issue of delivering modern, high-quality and efficient services, I welcome — at least to some degree — the Executive's civil registration Bill, as well as the public authorities reform Bill and the education reform Bill, although I still hold reservations about what the exact content of those Bills will be.

I bring to the Assembly's attention the fact that the Pensions Bill is a matter of parity with the UK. The Children (Emergency Protection Orders) Bill merely brings us into line with the Human Rights Act 1998. The amendments to the public health legislation will merely bring us into line with the World Health Organization's regulations. I reiterate: the programme is lacking in meaningful legislation that will improve the lives of the people of Northern Ireland. It resembles in places the piecemeal legislation that we had come to expect in the direct rule programme.

The last priority in the draft Programme for Government that I wish to address is the Executive's desire to promote tolerance, inclusion, health and well-being. There is not one piece of legislation in the programme that comes remotely close to addressing the issue of tolerance and inclusion. Where was the tolerance at last night's DPP meeting in south Belfast when it had to be abandoned?

Where was the tolerance at many of our parades during the summer? Where has the tolerance been for many people at the recent shootings of two police officers in the Province and the murder of Paul Quinn? It appears that the two dominant parties in the Assembly are incapable of working together on this issue, and the Programme for Government reflects that. The only way to achieve success in Northern Ireland is for the Executive to be truly committed to a shared Northern Ireland rather than being merely competing spheres of influence.

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

The sitting was suspended at 12.30 pm.

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

2.00 pm

Mr A Maginness: I thank the First Minister and the deputy First Minister for presenting this legislative programme to the Assembly. I apologise to them and to the Deputy Speaker for my absence at the beginning of the debate; I had to attend a funeral this morning.

I wish both Ministers well during their terms of office. The SDLP has long sought partnership between this community's two traditions, and we welcome the establishment of an Executive. It is important to support such an Executive, which the SDLP hopes will, at last, provide stability and develop partnership to greater heights. The SDLP also supports the Assembly. These institutions are the only sane way forward for all the people of Northern Ireland. However, the SDLP reserves the right to criticise the Executive for proposing policies or legislation that we find to be wrong, misdirected or inappropriate, or with which we disagree.

The SDLP welcomes the legislative programme as a basis on which the Executive can build and progressively move to a better society for all our people. It would be churlish and negative not to consider the programme as a step in the right direction, putting an end to direct rule from London, which did no service for anyone in this community. We are now masters in our own house and region. That is a constructive development.

However, the legislative programme is a bit like the curate's egg — good in parts. It does not display much imagination and is a disparate collection of 18 proposed Bills that are, in the main, rather dull and prosaic. In effect, the programme is a disappointing collection of proposed legislation. Nonetheless, it is a basis on which to move forward.

Of course, there are some good parts — for example, the proposed charities Bill and Pensions Bill. Perhaps it is no coincidence that the best of the legislation will come from the Minister for Social Development and her Department.

The biggest criticism of this programme is not about what is in it, but what is not in it. For example, there is nothing in relation to the Irish language. Where is the Irish language Act that was agreed to at St Andrews? Why is that legislation not included in the legislative programme, and why is there nothing about a single equality Bill or a shared future? The Executive's legislative programme does not address the cancer that has strangled our community and caused it to go through such horrors.

That is an enormous defect in the Programme for Government and the legislative package.

The Scottish Executive have put great emphasis on tackling sectarianism. Why are the First Minister and deputy First Minister not putting similar emphasis on

that? Why are they not bringing forward legislation to deal with that evil in our midst? I look forward to a situation in which that can be remedied and to this time next year, when we will have a richer, deeper and much more imaginative programme of legislation.

Mr Deputy Speaker: Is a collection of Bills called an anthology?

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. I apologise for not being in the Chamber for the start of the debate; I was attending an Assembly and Executive Review Committee meeting. Since entering the Chamber, I have listened to the discussion intently. A legislative programme is a good first step. The Assembly has been in power for six months. In the eyes of many, it was not going to work; but it is working.

Some Members have set themselves up as the official Opposition or the unofficial Opposition, and then there are those who are not sure whether they are in opposition or in Government but who will make the decision someday. Despite those problems, the Assembly has moved forward. Despite the great difficulties that have existed and will continue to exist, Sinn Féin and the DUP have proven that they are prepared to move forward.

Therefore, in that context, we have the roll out of legislation. We also have the draft Budget and the draft Programme for Government, which are out for consultation by Members and the wider community, and from which will flow other legislation as necessary. As has been repeated in the House today, legislation for its own sake would be a mistake. However, the greatest boost that we have given to society so far is an Executive that are up and running and working together.

When I read the Alliance Party's amendment, I thought, OK. It states:

'; but expresses its regret that the Programme represents little new thinking or innovation on the part of the Executive, and that key matters requiring legislative action remain unaddressed.'

I looked for the rest of the amendment. I apologise to Mr Ford for missing his speech, but I must assume that he outlined a lengthy list of legislation that he believes should be brought forward, because it is certainly not in the amendment. The amendment should have included the words, "such as", or, "as well as", or, "including such legislation as...", but it does not.

I wondered whether the Alliance Party intended to bring a raft of legislation through the scrutiny Committees, but it seems that it does not. Opposition is a fine place to be. It can be a comfortable place at times, and it can be a difficult place. However, opposition is about being constructive: it is about offering alternatives.

In previous mandates, in the corner of the Chamber now occupied by the Alliance Party, Mr Bob McCartney used to sit —

Mr Ford: He sat over there.

Mr O'Dowd: In my day, he sat just behind you. His avowed role was to tear down the Executive. The more I listen to the Alliance Party, the more I am convinced that its role is to tear down the Executive. I cannot understand why a party that talks about a shared future and collective responsibility and uses other such fine phrases should want to tear down an Executive that was elected by the people for the people, and which is working for the people. Perhaps that will be explained to me in the later deliberations.

Dr Farry: Read Hansard.

Mr O'Dowd: I have read the Hansard report, and that is why I am making this speech.

The motion is worth reading. However, I am still unclear as to whether the Ulster Unionist Party and the SDLP support the amendment.

Nevertheless, the SDLP and the UUP have three Ministers in the Executive. I look for the legislative format that those three Ministers are bringing forward. If they wish, they could bring forward a raft of measures prior to the Budget and the Programme for Government, but I see none. There is the opposition within and the opposition without, to which they refer.

Mr Elliott talked about "tolerance and inclusion." Every time I hear the Ulster Unionist Party talking about tolerance and inclusion, I almost have to pinch myself to make sure that it is serious. That party ran the state alone for 50 years, and it did not do so on the basis of tolerance and inclusion. Its reaction to the Irish language — both inside and outside the Chamber — is neither tolerant nor inclusive.

However, the Ulster Unionist Party's two Ministers could propose legislation. Mr Elliott said that this is not a legislative programme, and that it offers little or no environmental protection.

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

Mr O'Dowd: I support the motion.

Dr Farry: The question that a lot of people in Northern Ireland will be asking today is why they bothered with devolution. Devolution was supposed to be about local people taking control of their own futures and innovating on policy. However, the legislative programme that has been put forward by the Executive today offers anything but that.

There was great hope in our society for change; however, at some stage, that hope has to be turned into delivery. The manifestos of the various parties prior to the Assembly election were all worthy documents, and were full of great proposals regarding the issues that they would address once they were in power. We have seen little of that today.

The legislative programme outlines a mere 18 Bills. Those Bills are about parity, and about bringing Northern

Ireland into line with the rest of the United Kingdom. Frankly, we could have simply tagged on to those Bills through legislative consent motions. The Bills are about internal housekeeping and bringing matters into line because of human rights implications. Furthermore, there is carry-over legislation from direct rule — measures that direct rulers were going to take in any case. The ball had already started rolling on a raft of proposals that are only now coming to fruition. Where is the new thinking? Where are the fingerprints of the four parties in the Executive on this legislative programme? They are not there.

Mr O'Dowd asked what else could be done. I am not sure what he has been doing for the past six months, or whether he has listened to any of the debates that have taken place in this Chamber, during which people have set out what needs to be done in this society.

Issues that have been discussed include legislation on a shared future and a single equality Bill, which is something very close to the heart of Sinn Féin. Neither of those is anywhere to be seen. Other issues discussed were the Football (Offences) Act 1991; mental-health issues and implementing the Bamford Review; free personal care for the elderly; a marine Bill; and the establishment of an environmental protection agency. Those are only seven issues; the list goes on and on.

The Alliance Party has its own vision of society. We have knowledge of the proposals that this Assembly must adopt to move this society forward. I am afraid that the parties in the Executive lack that vision.

Stephen Moutray appeared to be taking his turn as the DUP Back-Bencher to praise the First Minister without asking any difficult questions.

Martina Anderson contributed to the debate. It is important to welcome Sinn Féin to, essentially, administering British rule in Ireland, because that is what the legislative programme is all about. *[Interruption.]* She talked about people having hope for the future. I wonder if the people in Derry can survive on hope, rather than actual delivery.

Danny Kennedy referred to his private Members' motion and how impressed he was that the Executive responded to that motion so quickly by producing a legislative programme. He answered his own question: it took one week to write.

Dolores Kelly of the SDLP referred to the single equality Bill. That is a crucial matter that the Assembly must take forward. It has been around for a number of years, and it has been discussed by the Assembly. The failure of the Executive to bring that issue forward illustrates their inability to agree on the fundamental issues that face our society.

2.15 pm

The legislative programme is essentially that of the lowest common denominator. Only policies on which both the DUP and Sinn Féin can sign off are included in it. On difficult issues, on which agreement cannot be found, nothing will happen and no action will be taken. The same situation is likely to occur when it comes to policy for post-primary education, on which we still await the Minister of Education's proposals.

Jimmy Spratt referred to attempts to erode public confidence in the Executive — I fail to see how the legislative programme will inspire public confidence. Carál Ní Chuilín talked about our only having been here for six months. The Brown Government in the UK have been in office only since June. Their legislative programme contains more than 20 Bills — substantive legislation — yet ours contains a mere 18. In case Members still think that we have been here only since May, I remind the Executive parties that they have been funded by the Northern Ireland Office. Special advisers were funded, from as early as January 2007 — if not earlier — specifically for the purpose of devising a Programme for Government so that the Executive could hit the ground running. However, we have had nothing but fudge and delay. Crucial issues have been neglected. As a result, the legislative programme requires serious reflection and revisiting. I urge support for the amendment.

The First Minister: This has been a most interesting, and most amusing, debate. I am glad that Members are in good spirits. They seem to be very happy. Some have been talking doom, but they talked it with great glee and joy. If they were sincere in what they were putting forth, they would not have done so in such a joyful way.

Out, beyond the Assembly, down among the men and women of Northern Ireland, there are people who are happy that we are moving in the right direction. Those people should be encouraged. No matter what scorn is poured on our efforts, and no matter what is done to wreck the solid foundations on which we hope to build, those people should take heart and not look on what we have heard today as a true reflection of what the Assembly is about.

Men and women Members of the Assembly want to see it work, and they believe that they have a responsibility to each individual voter. To those Members who made so many wild assertions, I suggest that, if they have such a wonderful legislative programme, they share it with us. If they have all those goodies in their little cupboard, will they not open it? After all, it is coming up to Christmas. Have some Christmas spirit — encourage us to look into the cupboard, take something out and partake of it. However, they will not do that. They stand there, guarding their cupboard and not letting us see what is in it. Surely if they had all these suggestions,

they would reveal them. However, they will get the opportunity to do that. This debate is not for dotting i's and crossing t's; rather, it is a debate that allows us to take a general look at what is before us.

Let us see what contribution is made in Committee by those Members who have such wisdom. Pearls of wisdom — according to their own definition — were dropping from their tongues and their false teeth. Let us hear some definite contributions to the debate on what should be done to help us to move in the right direction.

I remind the Alliance Party, as I do those other parties that criticise, that it is part of the Assembly. It cannot escape the responsibility that has been placed on it.

I know that some of them got here with a not very large number of votes, but they still have a responsibility, so let us hear what they have to say.

A Member: It is in the Hansard report.

The First Minister: I am afraid that despite my having very good glasses, made by the most expert person in east Belfast, and despite my having carefully read the contributions made by certain Members, there is nothing to see. It is darkness and the shadow of death. *[Laughter.]*

However, there is such a thing as resurrection; there may be a resurrection in the Chamber, and Members may start to surprise us. I am told that Northern Ireland has stood a lot of surprises in the past, and on occasions I have been surprised as I sit at this Bench and listen to what is said.

Mr Kennedy: I have been shocked.

The First Minister: I am glad that you were shocked for once, because you needed to be shocked. *[Laughter.]* If the one achievement of my political life is that I have shocked Danny Kennedy, then that is something to write down. I hope that I shall soon receive another honour as the victor in the race.

We must face up to the matters that are on the list. I welcome the fact that the SDLP will take all the glory for what will happen when we come to the important part about people who need help. My Department has had meetings with all the Churches, and we have talked to them about the issues that they are concerned about. The Bill that we have before us is better than any Bill in England, Scotland or Wales, and the Churches are satisfied. We must be doing well to have satisfied all the Churches in this country. That result came about through good, concise, controversial talking among us. Every man produced his goods and laid them on the table, and we made good progress. When the Bill comes before the House, even our enemies will have to admit that progress has been made. Similar progress could be made on all the Bills if we put our minds and energies to it.

I welcome the fact that we will go into Committee and that we will examine and improve the proposals, and add new proposals if necessary, and that the Bills that we will have in this House will be as a result of the consensus of the views that win out in the arguments as we have the debate — a debate that everyone should welcome.

I trust that at the end of this period of entering into the statute book the legislation that has been decided in this way, the House will be at the opening of a door that will open wider, and the opening of a road that is straight and narrow in one sense, but broad in another. That is what we should look forward to, and so I say to those who are dismal, “Cheer up”. The best has yet to come, and the cupboard of the Alliance Party will be open to all this Christmas. Get to it quickly and see all the goodies, and then thank them for stealing the menu from us.

2.30 pm

Question put, That the Amendment be made.

The Assembly divided: Ayes 32; Noes 55.

AYES

Mr Attwood, Mr Beggs, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Burns, Rev Dr Robert Coulter, Mr Cree, Mr Durkan, Mr Elliott, Dr Farry, Mr Ford, Mr Gallagher, Mrs Hanna, Mrs D Kelly, Mr Kennedy, Ms Lo, Mrs Long, Mr Lunn, Mr A Maginness, Mr McCallister, Mr McCarthy, Mr B McCrea, Dr McDonnell, Mr McFarland, Mr McNarry, Mr Neeson, Mr O’Loan, Mr P Ramsey, Mr K Robinson, Mr Savage, Mr B Wilson.

Tellers for the Ayes: Mr Lunn and Mr McCarthy.

NOES

Ms Anderson, Mr Boylan, Mr Brady, Mr Bresland, Mr Buchanan, Mr Butler, Mr T Clarke, Mr W Clarke, Mr Craig, Mr Dodds, Mr Doherty, Mr Donaldson, Mr Easton, Mrs Foster, Ms Gildernew, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr G Kelly, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr I McCrea, Dr W McCrea, Mr McElduff, Mrs McGill, Mr M McGuinness, Mr McHugh, Miss McIlveen, Mr McLaughlin, Mr McQuillan, Mr Molloy, Lord Morrow, Mr Moutray, Mr Murphy, Mr Newton, Ms Ni Chuilín, Mr O’Dowd, Mr Paisley Jnr, Rev Dr Ian Paisley, Mr Poots, Ms S Ramsey, Mr G Robinson, Mrs I Robinson, Mr Ross, Ms Ruane, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Tellers for the Noes: Mr W Clarke and Mr Shannon.

Question accordingly negatived.

Main Question put and agreed to.

Resolved:

That this Assembly takes note of the Legislative Programme for the 2007/08 session, as agreed by the Executive on 18 October, and conveyed in the letter of 19 October 2007 from the First Minister and deputy First Minister to the Speaker.

PRIVATE MEMBERS’ BUSINESS

Dangerous Dogs Legislation

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make the winding-up speech. All other Members will have five minutes to speak.

Mr Lunn: I beg to move

That this Assembly calls on the Minister of Agriculture and Rural Development, in light of recent revelations about dog fighting in Northern Ireland, and of attacks by dogs on persons and other dogs in recent years, to review the dangerous dogs legislation with a view to providing enhanced protection in terms of both animal welfare and public safety.

My party colleague Naomi Long has campaigned actively throughout the direct rule years on this issue, with a view to strengthening legislation on dangerous dogs. We are glad of the opportunity to bring the matter to the attention of the House.

The current legislation stems from the Dangerous Dogs Act 1991, which applies to the whole of the UK. Its introduction was accompanied by significant tabloid attention, following a series of dog attacks that attracted a great deal of publicity at the time. The Act was supplemented by the Dogs (Amendment) Act (Northern Ireland) 2001, which gave power to courts and magistrates to order the destruction of dogs.

It is the opinion of dog control professionals that the 1991 Act was something of a rush job; a reaction to events that had not been properly thought through. It concentrated on banning a limited number of breeds of dog, the only one normally found in Northern Ireland being the pit-bull type, which, incidentally, is not a breed, but a cross-breed or a type that is normally crossed with Staffordshire terriers, mastiffs, or even Rottweilers. The other banned breeds are the Japanese tosa, the Dogo Argentino and the Fila Brasileiro; I am glad that I managed to get through those. The Japanese tosa may be present in Northern Ireland; no one is quite sure. It is a cross-bred type of dog, but the other two are unknown here. There is no mention in the 1991 Act of various other, equally dangerous breeds, such as the Japanese Akita, or, for that matter, Rottweilers, Dobermanns or even Alsatians.

Therein lies the first problem: it can be difficult to identify the type of dog, and it is not uncommon for expert witnesses to have to come across from England at considerable expense to support a dog warden’s opinion when there is a dispute about the type of dog involved. The second problem is that many dogs that fall within the pit-bull type description, but which have not been bred for fighting, are friendly and placid dogs. They make great pets, but under the current legislation they are banned and are being seized and destroyed by dog

wardens, quite often against the wardens' own better judgement.

Magistrates in Great Britain have the discretion to deal with situations in different ways. They can order that the dog be neutered, spayed or microchipped, or that it must be muzzled and kept on a lead when it is outside. Furthermore, a magistrate can order that adequate third-party insurance is maintained by the owner. No such discretion is currently available here, and dog wardens have told me about many cases of unnecessary destruction of dogs, simply because they looked like a pit-bull type.

The Dangerous Dogs Act 1991 gives limited powers of entry to dog wardens. If a warden wishes to enter a property, a warrant must be obtained from the court, and even then, entry cannot be forced, making investigations of complaints about the existence of dangerous dogs very difficult.

I acknowledge and commend the long-term animal welfare work of the Ulster Society for Prevention of Cruelty to Animals (USPCA). However, the organisation is hamstrung by its limited powers. The USPCA requires the PSNI to be present when it executes its duties. It has no power in relation to dangerous dogs, unless those dogs are being mistreated. The existence of dog-fighting rings and the breeding of dogs for fighting in Katesbridge and Rosslea, to name but two areas, have been highlighted recently. USPCA officers investigated those incidents, and, if I may say so, given the nature and mentality of the people who would set one dog on another to fight to the death, they did so at great personal risk, and deserve our highest praise.

2.45 pm

However, as the USPCA operates under the animal welfare legislation, it is permitted to remove only dogs that show signs of mistreatment. Healthy looking pit bull terriers, which have presumably not yet been involved in a fight, cannot be taken. They must be referred to the dog wardens for action, with consequent delay and the possibility that the dogs may be removed and as, I have mentioned, the problems of court orders and access.

A further area of difficulty is the lack of effective legislation in the Republic of Ireland. Pit-bull types are not illegal across the border, which makes import and breeding relatively easy in Northern Ireland. Present legislation makes dog attacks on livestock a matter for criminal prosecution, but not an attack, even fatal, by one dog on another. Recently, there have been well-documented examples in Northern Ireland of family pets being savaged by aggressive types, including one in which a Labrador died while protecting a child from attack.

Professionals would like to see a change in the licensing system. Instead of a laborious process of issuing a £5 licence every year, which probably costs £10 to issue, it would be good sense to issue a one-off,

lifetime licence. Such a licence would perhaps cost £100 and would include a free microchip. I understand that that could be easily done by local councils and would be quite acceptable to them.

For years, it has been widely accepted that the current legislation is unsatisfactory. My party colleague Naomi Long has campaigned consistently for the strengthening of the law, but the Northern Ireland Office has failed to act. Now that we have a devolved Assembly, I hope that the Chamber will support this opportunity for action. The Alliance Party's motion is in the form of a request to the Minister of Agriculture and Rural Development to undertake a review involving all interested parties, local councils, the USPCA, the Dogs Trust, the PSNI and vets.

Enhanced protection for the welfare of animals and public safety must be provided. A workable list of dangerous breeds, which notes that some dogs that are not classified as such are potentially a risk to public safety, must be established. Across the UK, 50% of dog bites that are inflicted on humans are inflicted by German shepherds, or Alsatis. Currently, that breed is not formally regarded as a dangerous dog.

By whatever means, the disgusting practice of dog fighting, and breeding dogs solely for that purpose, must be eradicated. A legislative framework must be provided that can enable effective action. Effective cross-border co-operation is needed to, as far as possible, harmonise the law. A licensing system, which is easily administered, and microchipping of all dogs —

The First Minister (Rev Dr Ian Paisley): I have spoken to the Taoiseach about this matter, and he is aware that the way in which dogs can be brought in from the South of Ireland to the North is very dangerous for us all. The Taoiseach promised me that his Government would look into the matter, they have now announced that they are doing so and that they will move in that direction. That is to be welcomed; it is at least one step in the right direction.

Mr Lunn: I am grateful to the First Minister for that clarification. Action on the part of the Irish Government is something that is badly needed.

More attention must be given to the behaviour of dogs and their owners. It is clearly not all down to the dogs. Quite frequently, the owners can encourage their animals to exhibit aggressive behaviour. It is almost a badge of courage to have a dog on a lead that looks, and probably is, ferocious. We must ensure that our children can play without fear of attack, but also that a docile family pet is not condemned purely because of its appearance. I call on the Minister to begin a process of consultation, and I look forward to her response today.

Lord Morrow: The DUP supports the motion, and we commend the proposer and the seconder for securing the debate today on this important issue.

Dr McCrea, the Chairman of the Committee for Agriculture and Rural Development, regrets that he cannot be present because he is chairing a meeting of that Committee. It was he who pioneered a campaign in the Assembly against dog fighting. He brought the practice to the attention of the Department and asked that it introduce effective legislation. He informed me that he expects the Department to come back to him in early December 2007. The House should take comfort from that, and all Members are looking forward to that day. I commend the motion to the House.

In my constituency of Fermanagh and South Tyrone, there has been a clear focus on the despicable and illegal activity of dog fighting, which is no longer a secret. Recently, 'Spotlight' demonstrated the depth of the problem, and I reiterate my commendation of the BBC for that superb programme. It did a spectacular job, which leaves us to wonder why others could not have done so long ago. The programme demonstrated the BBC's tenacity, and Members owe a debt of gratitude to the programme's producers and particularly to the young lady who went to great lengths to expose the practice.

The grey area of differentiation between pit bulls, and pit-bull types, and, for example, Staffordshire bull terriers must be eradicated. Pit bulls and similar dogs are not pets, and I see no reason why anyone would keep them as such, or why the issue is not being dealt with.

The case highlighted on 'Spotlight' was not an isolated one. In Dungannon, an underground network managed to make three out of four dogs that had previously been noted vanish mysteriously — a spectacular achievement. I was pleased that the magistrate who heard the case was steadfast and arrived at the right decision. He stopped short of imposing a jail term on the perpetrator only because of a last-minute change of plea to guilty.

Sadly, defence protestations that the individual was only looking after the dog and had no part in dog fighting of any nature, were far from the truth, as the 'Spotlight' exposé proved. He was not the only person involved in that dreadful activity but was part of a dog-fighting ring that operated in shady circumstances and made a lucrative income. Many sick-minded individuals consider such brutality to be entertaining but seem not to care that they are creating a potential death trap for the general public.

Dogs are known to be territorial, and protective of those to whom they are faithful. When those characteristics are combined with aggression-enhancing drugs, baiting by other dogs when tethered and heightened training, there is a highly volatile mix of anger. Make no mistake about it: in such circumstances, it would be kinder to the dogs to remove them from their owners. They would shed fewer tears for their dogs than for the loss of cash or the prospect of facing prosecution.

I commend Dungannon and South Tyrone Borough Council for its clampdown on, and prosecution of, such actions. It is one of few councils, if not the only one, to have gone the distance in tackling the issue of dangerous dogs. Its officials are to be congratulated and commended for the way in which they set about tackling the problem. Council officers operate by carrying out swoops, backed up by the PSNI, because suspects rarely want to admit enforcement officers to their premises, and staff have been subjected to threats. I would have liked to say a great deal more, but my time is up.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. When considering the motion, we must take stock of the significant failures in the implementation of existing provisions, including those relating to muzzles, leads and the minimum age limit for handlers. No specific breed of dog is a danger to humans, but certain breeds, such as pit bull terriers, were originally bred to fight other dogs. If such a breed were to attack a human, they would cause serious injury due to their natural aggression and powerful jaws. We must not impose a blanket ban on certain breeds of dogs, as those with no history of aggression will also suffer and be put down. A blanket ban on certain breeds may only succeed in shifting the focus away from owner responsibility.

Any breed of dog can behave well or badly, and a dog's response to a human is often down to the way in which it has been treated. More often than not, the fault lies with the owner and their irresponsible treatment of the dog. The Humane Society in the United States has dispelled many of the common myths associated with dangerous dogs: the typical perpetrator is usually a family pet, not a stray; the victims are usually children under the age of 10; most bites occur while the dog is leashed, fenced, chained or indoors; and almost half of all attacks occur on the street or on the dog owner's property.

Over the years, a spate of sensational media reports has focused on two breeds — the pit bull terrier and the Rottweiler. Those breeds can be aggressive, but statistics show that the best predictor of whether a dog will bite is if it has been neutered: an unsterilised male dog is three times more likely to bite than a neutered animal. The other major indicator is whether a dog has been properly socialised and trained. It is not necessarily the breed that makes a dog dangerous, but the attitude of the owner. For example, a well-trained, neutered Rottweiler will probably make a better pet than a poorly socialised Dachshund. There will always be good and bad dogs among any breeds, and it is impossible to ban all dogs that have the potential to bite. However, it is important to ensure that dog owners behave responsibly.

Sinn Féin promotes an approach to dangerous dogs that includes the rigorous enforcement of existing laws and provisions to protect the public. That should include the use of muzzles, proper restraining leads and a minimum age limit for handlers, particularly when

walking potentially volatile breeds in parks and other public spaces.

All dogs should be licensed and registered, and all owners must provide proper, secure and humane conditions for their dogs. Increased revenue from licensing could provide additional moneys to the RSPCA (Royal Society for the Prevention of Cruelty to Animals) to ensure better monitoring and enforcement. Measures designed to enhance the traceability of dangerous dogs and to ensure owner responsibility should be introduced, including the microchipping of dogs and the registration of owners' details.

Dog training should be made available and it should be mandatory for listed breeds. Any ban on dogs should have safeguards. An appeal mechanism must be put in place whereby an owner will be allowed to keep their dog if they can establish that they are a responsible owner, that the dog is well behaved and that it has not been the subject of any legitimate complaint to a local council authority. However, owners of listed breeds should be required to have public liability insurance. Councils must be allocated increased funding for additional dog wardens.

On a related issue, regulations governing so-called puppy farms must be urgently introduced and enforced to ensure the humane treatment of dogs and their puppies. Sinn Féin will work for that approach to be implemented on an all-island basis to ensure that the measures contained apply equally to all the people and dogs of the island. Go raibh maith agat.

Mr Elliott: I am the Deputy Chairperson of the Committee for Agriculture and Rural Development, but I am not speaking in that capacity today.

I thank Mr Lunn and Mrs Long for proposing the motion, as it highlights the significant and serious issue of dangerous dogs in Northern Ireland. Many people believe that the problem should have been tackled a long time ago.

As a member of the Committee for Agriculture and Rural Development, on several occasions, I have made clear my full support for an increase in legislative measures to protect the public — and animals — from dangerous dogs. Public safety must be a top priority for elected representatives in Northern Ireland. My colleagues Lady Sylvia Hermon and Lord Laird have raised the issue of dangerous dogs in the House of Commons and the House of Lords respectively. The Ulster Unionist Party treats the issue of dangerous dogs with the utmost importance. As with any legislation produced by the Assembly, and other legislatures, the control of dangerous dogs must be reviewed and updated regularly.

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

3.00 pm

Given the expansion of the media, and how readily stories reach a large audience, the public appreciation of dog attacks has undoubtedly increased in recent years. It is no bad thing that the public are aware of the risk that dangerous dogs pose. In preparation for this debate, I found an article about a dog attack in August, which some Members may remember; a six-year-old girl from London, who was on holiday in County Antrim, was attacked by two Rottweilers. After the attack, the girl's mother said:

“They were attacking her like a bit of meat, eating her and biting her.”

The girl asked her mother if she was going to die. Fortunately, death was avoided in that instance, but the injury was traumatic. The thought of hearing my young daughter say those words — as the result of a dog attack or anything else — chills me to the bone. Attacks like that highlight the importance of having legislation that is true to its purpose of protecting the public. Figures from the DARD (Department of Agriculture and Rural Development) website, which were updated on 8 November, reveal that up until — but not including — the fourth quarter of 2006, 117 owners were prosecuted for minor dog offences, 27 owners were prosecuted for serious dog offences including attacks, and 14 owners were prosecuted for breeding dogs for fighting. After the recent BBC revelations about large-scale dog-fighting circuits in Northern Ireland and the Republic of Ireland, I expect the last figure to increase this year and in the future.

However, it is notable that the figures until the fourth quarter of 2006 were good compared with previous years; in 2003, 265 owners were prosecuted for minor dog offences alone. That improvement is to be applauded and should provide an impetus to reduce the numbers further. That is why I am in favour of toughening dangerous dogs legislation. However, when creating new legislation, Members must ensure that it does not impinge on, or undermine, the many wonderful dog owners across Northern Ireland who do not treat their animals badly. As people in Northern Ireland love animals, any further legislation on the control of dogs must have their respect or it will fail. That is why it is vital that caring dog owners, whose pets pose no threat, do not suffer from new legislation.

Although it is often easy to blame a dog for attacking innocent people, the way that a minority of people treat their dogs is disgraceful. The Assembly must encourage those in society who hurt dogs, or encourage dogs to fight, to stop. If someone beats an animal, it will become hostile to that person and people around that person.

Mr Deputy Speaker: The Member's time is almost up.

Mr Elliott: Some of the recent attacks have not been because of the natural habit of the dog involved.

Mr Burns: I am pleased that the motion has been tabled, and I welcome the opportunity to speak on it. There have been serious problems with dangerous dogs in my constituency of South Antrim in recent times. One incident involved an attack on the Doherty family, who were out walking their pets in Randalstown Forest Park. The incident received widespread media attention at the time and was covered on last night's 'Insight' programme. I will not go into much detail, but had it not been for the heroics of the family pet — a golden Labrador named Troy, who died from his injuries shortly after the attack — the incident would have been more serious. The attacking dog was shot dead by the police, and the family escaped with cuts, bites, scrapes and bruises, but their much-loved pet was not so lucky.

The definition of a dangerous dog must be made clearer in legislation. One often talks about pit bull terriers, and pit-bull types are named as banned breeds in legislation. However, it is ironic that — as far as I am aware — many of those dangerous dogs are mongrels and not pure-bred American pit bull terriers. I do not intend to dwell on the matter, but a clearer definition of illegal dogs is necessary. The loopholes that permit cross-breeds, such as the Irish Staffordshire bull terrier, must be closed. Regardless of what changes are made to the law, the Assembly must consider how future legislation is enforced.

Considering the recent accusations of criminal and paramilitary involvement in dog fighting, I am not sure that we can leave the enforcement in the hands of district councils and dog wardens. There must be greater police involvement, and the courts must make an example of those people who ignore the law and continue to keep dangerous and illegal dogs. I call for stiffer penalties in the legislation, and the courts must be particularly tough on those people who breed and train dogs for fighting. We must also make it much easier to prosecute individuals who break the law. I appreciate that progress is being made in that area, but more needs to be done.

Stronger legislation should be implemented, hand in hand with more education. Dog attacks can occur for any number of reasons: the dog may have received inadequate training, had a poor upbringing or lived in an unsuitable environment, for instance. Therefore, all dog owners should be encouraged to be responsible, especially if they own breeds such as Alsatians, Dobermanns and boxers, which are legal but potentially dangerous. If those dogs are raised correctly, I am sure that they can be loyal and loving pets, but owners must be educated on how to care correctly for their dogs to ensure that they are stable and well disciplined.

I hope that the public will not see the debate as an attempt to demonise certain types of dogs: that is not my intention. It is my intention to condemn the criminals, highlight animal welfare issues and enhance public safety. I hope that the Minister will pay close attention

to those issues when she eventually reviews the legislation. I support the motion.

Mr G Robinson: When I read the motion, I was reminded of an incident in Portstewart during the summer, which involved visitors to the town and their pet dogs. The local newspaper reported how the two pet dogs attacked and bit an elderly man and a teenage girl, and attacked another dog. On further reading of the newspaper report, I was amazed to discover that local officers were unable to remove the dogs that were suspected of the attacks, because they had returned to their owners' property. In the Minister's review of the current legislation, I hope that she will consider enshrining in law the right for council officials to enter property — with PSNI support, if necessary — to seize dogs that have carried out such attacks.

I stress that in this particular case, the dogs' owners did the sensible thing and handed them over to council officials.

I urge the Minister to sort out the legal definition of the term "dangerous dog". The law currently does not have a sufficiently enforceable description, and in some cases in England, that has created many difficulties. I also acknowledge fully that although any dog can be dangerous, specific breeds are listed as dangerous. However, given that that list is in no way exhaustive, there is scope to extend and amend it continually. I would go so far as to ask the Minister to make it illegal in Northern Ireland to own certain dogs, such as pit bull terriers.

The 'Spotlight' programme showed the horrific purposes for which such dogs are used. It demonstrated that it would be better for everyone if those dogs were not permitted in Northern Ireland, full stop. I thank Mandy McAuley and the BBC team for bringing such an excellent programme to our screens, even though it covered an horrific topic.

The programme also showed how science can help to provide a DNA database that can be used to identify a particular family tree of fighting dogs. I urge the Minister to consider using such a database to assist in creating a legal definition of breeds and types of dogs.

Legislative intervention will never permanently solve any problem, but a strong legally defined base will avoid as much confusion as possible. People will then be spared much of the fear of being subjected to a dog attack.

Although the topic must be addressed, I have discussed only a small part of it. However, I appeal to the Minister to address that — and other connected matters — with speed and determination in order to produce workable and practical legislation.

I support the motion.

Mr McHugh: A LeasCheann Comhairle, I also support the motion.

Although I do not want to speak for too long, any review of the matter will take some time. Given that the Dangerous Dogs Act 1991 obviously did not deal adequately with such dogs, I think that the Minister will take the necessary time to get the legislation right this time. Certain breeds of dog were banned under the 1991 Act, but of course, many of those who breed dogs can get round that, so we are still at the point at which no one is sure how to proceed.

There are far too many dogs, full stop, in some council areas and in urban areas such as Enniskillen. People must take responsibility for that. Some buy large dogs, and, most days of the week, they keep them alone in small gardens when they are at work. The dogs are then turned out on to the street, causing problems, such as fouling. The dogs are also taken to parks, where similar problems are caused.

Reducing the number of such dogs before they can become pets would resolve many of those problems. Dog attacks against people, and instances of stray dogs attacking sheep, which is a problem for farmers, would also decrease. That reduction could be achieved either by councils enforcing regulations against owners, or licences could be granted that must prove that a dog has been neutered and that it will be kept somewhere suitable.

I am not against people keeping pets, but they must be looked after. This is the time of year when parents buy their children dogs as pets without realising that the dogs may grow into large animals that will need to be cared for long after Christmas is over. People must realise that they must take that into account. Councils — and everyone else — face great expense when dogs are not looked after. Up to 50,000 dogs have to be put down in Ireland every year, and that is by far the worst figure in Europe where the control of dogs is concerned. Controlling numbers is a big problem.

Pets are sold on the black-market economy, and given that a great deal of money is involved, some kennel breeders in Ireland are against what the Assembly is trying to do.

3.15 pm

There are also people involved in hunting, including badger-baiting, badger-hunting — attacking badgers in their lairs — and fox-hunting. Dogs that are trained to do such things are also trained to fight and, therefore, they become dangerous dogs, even though they are not necessarily in the small category of dogs that we are talking about today. A lot of other things go on behind the scenes that none of us wants to pretend is the case. There is an undercurrent of a black-market economy and a black-market way of doing things out there. Those issues must be taken on board, and recent television programmes have shown that to be the case.

The type of dog is not the problem, as there are several ways round that issue. There are several ways of breeding hybrids of different dogs so that they can be trained to fight. Training dogs to fight is the big problem, not necessarily the type of dog. A lot of the dogs referred to can be very docile if they are properly trained and looked after.

The review needs to get it right this time, and that will take time. The Minister will look at all the difficulties and answer some of the questions. For example, are councils best placed to enforce the law, or should it be the PSNI, or both? How long will the proposed changes to the legislation take? What progress has the Twenty-six Counties made in its legislation for improving the situation? Is an all-Ireland approach being taken, and how will it be progressed?

The ordinary person on the street must think before buying dogs — or any pets — without having somewhere decent to keep them, especially at this time of year. Animals need space and looking after, and it is vital that people take that into account. Go raibh maith agat.

Mr Storey: I support the motion and thank the Member for bringing this vitally important issue to the Assembly. None of us in the Chamber should underestimate how serious the matter is. It has become extremely concerning, given that statistics show that Northern Ireland has earned the disgraceful title of dog-fighting capital of Europe. Sick individuals — they can be described as nothing else — with a competitive bloodlust for illicit financial reward are training dogs with an aggressive nature to fight each other. Sad to say, there can be as much legislation as possible, but if people are intent on stooping to such low levels, then I fail to see how individuals like that can be combated, except by ensuring that they are not permitted to be in society, other than behind bars where they rightfully belong.

As recent television documentaries have shown, people are moving in a shady underworld and using ruthless, unscrupulous methods to heighten the antagonism of these animals until, when they face each other — goaded by trainers and owners — they end up tearing each other apart. If a dog survives the fight, the injuries and mutilations are horrific and, due to the illegal nature of the activity, those dogs are not taken to vets because it is too late for any treatment.

We saw on television last night what happens to dogs which are past repair or do not make the mark. Perhaps it is the human element that should be closely examined. Those who are caught up in this barbaric practice have no viable place in our society. Those people with their ruthless, unscrupulous, bloodthirsty mentalities should be off our streets.

However, not all dangerous dogs are the product of dog fighting. Some breeds are highly charged by nature, and any distraction or antagonism, however innocent,

can provoke a violent reaction encompassing sustained attack. As a pet lover, I have a terrier at home, and it can be as vicious as any other breed if antagonised by my children — or by me. Of course, some people say that if they were dogs they would bite me anyway, but that is how some things are in life.

The Member for Fermanagh and South Tyrone Mr McHugh has already referred to the attack on a six-year old girl in my constituency during the summer. Having been in contact with the family, I am pleased to report that Sophia is on the mend, and I look forward to her family's return to Northern Ireland next summer. That young girl sustained severe injuries during a continued assault, and her mother was injured while attempting to protect her.

It has already been said that that incident involved two rottweilers, which, although the breed is not prohibited, it has a reputation for being antagonistic. Their owner was gravely concerned and took swift action by destroying the dogs immediately after the attack. Those and other dogs with an aggressive trait are particularly strong and, as on that occasion, are capable of throwing a child around like a rag doll. Any animal with that mentality must be kept under the strictest supervision if it is out in public. It must not be a risk to society.

The incident in my constituency raises an issue concerning the Northern Ireland Tourist Board. I have been in correspondence with the family and the Tourist Board. The family wrote that they do not want any other family to go through such an ordeal and that it is only fair that parents and children visiting Northern Ireland do so in the full knowledge that all precautions have been put in place to protect them.

The response to my correspondence with the Northern Ireland Tourist Board was less than satisfying, and I intend to follow up on the issues that I raised with them. I support the motion.

Mr Deputy Speaker: Someone has a mobile phone switched on, which interferes with the transmission system. Please turn it off.

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh maith agat, a LeasCheann Comhairle. I thank Naomi Long and Trevor Lunn for raising the issues of dangerous dogs and dog fighting. Those are serious matters that concern us all, and I am grateful for the opportunity to have such an open and frank debate and to be able to outline how I intend to address some of the points that have been raised. I have listened to all of the contributions, and there is little to disagree with from any of the parties.

Like other Members, I have been concerned about this issue for some time. I have had particular difficulties in my constituency, and I have been working with officials and others towards a review of the legislation.

I agree with many of the concerns raised by Trevor, Naomi and other Members and, like them, I want to see an end to attacks by dogs and an improvement in public safety.

I also want to see an end to the immoral, cruel and deplorable so-called sport of dog fighting and to the sickening practices that surround it. Like any right-thinking person, I find the issues that were so graphically highlighted in two recent BBC documentaries and in last night's UTV 'Insight' programme to be totally abhorrent, and I agree that steps should be taken to rid society of that scourge.

Before dealing specifically with the concerns raised this afternoon, it would be helpful if I were to outline the legislative background to the two key issues that were raised in the debate. The control of dogs, including dangerous dogs, is regulated by the Dogs Order 1983, as amended by the Dangerous Dogs Order 1991. Dog fighting is separately legislated for in the Welfare of Animals (NI) Act 1972.

The Dogs Order 1983 provides for dog licensing by district councils and sets out provisions concerning stray dogs and attacks by dogs. Under that order, dog owners, or those in charge of dogs, must keep them under control at all times, and an owner or keeper is guilty of an offence if his or her dog worries livestock or attacks a person. Although it is not specifically an offence for one dog to attack another dog, damage to property, which could include a pet, is actionable by civil proceedings.

I will consider whether that must be amended as part of a wider review, which I will come to later. I particularly want to review attacks on guide dogs or on family pets, as were so graphically illustrated by Deirdre Doherty and the terrible ordeal that her family suffered.

Under the Local Government Act (NI) 1972, district councils can make by-laws; it is common practice, for example, to make by-laws that require dogs to be leashed in parks.

The Dogs (NI) Order 1983, as amended by the Dangerous Dogs (NI) Order 1991, designates certain types of dogs, such as the pit bull terrier, the possession of which is an offence. Such dogs are generally known as "dangerous" or "fighting" dogs.

District councils are responsible for enforcing that legislation and may seize any dog that appears to be a banned type. The maximum penalty for owning a banned-type dog here is, on conviction, up to six months' imprisonment, a fine of £5,000 or both.

I express gratitude to the many councils and to their dog wardens, in particular, who have been very active in their attempts to deal with dangerous dogs and other dog control issues. The Member for Fermanagh and South Tyrone Gerry McHugh mentioned Dungannon

council, but Ballymena Borough Council was the first council in Britain and Ireland to introduce an amnesty for dogs and many others have followed that initiative.

To date, there have been few specific calls for new legislation on dangerous dogs. Last year, my Department wrote to the chief executives of all the district councils in the North seeking their views on the operation of the Order and asked for views on difficulties that might prevent effective enforcement of the legislation.

The responses showed that some district councils felt that, for a variety of reasons, they were not best placed or equipped to enforce the aspects of the legislation relating to dangerous dogs. Councils expressed serious reservation about the health and safety of their dog wardens in carrying out their duties and, in particular, when seizing banned dogs. As a result, some councils have called for the PSNI to have a greater role in enforcement.

On 31 October this year, I wrote to the Chief Constable requesting that we meet to discuss the issues of public safety and any role of the PSNI in the enforcement of dog control or dangerous dogs legislation. Our discussion will take into account the public safety aspects raised by the debate. I want to take the views of the PSNI before reaching any conclusions, and I hope to meet its representatives shortly.

Councils also commented that they experienced difficulties in proving in court whether a dog was of a banned type. On that point, the legislation states clearly that if the prosecution alleges that a dog is of a banned type, such as a pit bull, a court will assume that it is so, unless the owner can provide the court with sufficient evidence to the contrary.

Figures supplied by councils to my Department show that 10 individuals have been found guilty of offences involving dangerous dogs in the first six months of this year alone.

The Order enables my Department, through subordinate legislation, to extend the types of dogs that are banned if evidence is forthcoming that they appear to be the types of dogs that have been bred specifically for fighting. To date, there have been few calls to extend the list, but I will seek advice on that matter from experts. My officials also intend to raise that issue with the USPCA shortly.

Some councils commented that their officials require training on issues surrounding dangerous dogs. Several suggested that a panel of experts be made available as expert witnesses during court cases to advise on types of dangerous dogs. Neither suggestion requires legislative change.

Recent reports from welfare interests and others suggest that any problems that we might have in enforcing dangerous dogs legislation are a result of its

having been rushed through as a knee-jerk reaction to dog attacks in 1991. If that is so, I do not want to repeat that mistake. Therefore, I feel that it would be inappropriate to introduce new legislation in the short term in response to recent documentaries without full examination of the enforcement issue. However, I intend to review the current legislation in order to consider properly how to proceed and consult on the way forward.

Many of the issues raised by councils and members of the public have principally concerned enforcement, and, as I said, I am seeking to address them.

However, in undertaking a longer-term review of the legislative framework, I will seek the advice of experts and those with experience of enforcement locally, as well as in Britain and the Twenty-six Counties. Therefore, after my meeting with the PSNI, I intend to meet representatives of district councils in order to hear their views at first hand, because they are the people who are often in the firing line on a range of issues such as enforcement and identification.

3.30 pm

Mr Storey: The Minister referred to experts. Will she assure the House that she will be satisfied that those whom she contacts are, indeed, experts? Anyone who watched last night's 'Insight' programme and saw the activities in which a particular individual was involved would question the expertise of that person, who claimed to have a wealth of knowledge on the subject.

Ms Gildernew: That is why I am talking to representatives of district councils, the PSNI, the USPCA and others. I do not believe that one individual, or a number of individuals who claim to be experts, are the only people to whom we should listen. Therefore, I will consider a wide range of views. I will also consider the views of the Members who have contributed to this debate, and I will check the Hansard report, because some practical suggestions have been made.

Recent TV documentaries suggested that enforcement of dangerous dogs legislation is hindered by different rules, North and South. That has meant that dogs that are banned here can be imported into the South, where they are currently legal. From there, it is alleged that they often make their way back to the North.

I am grateful for the speedy and helpful intervention of the First Minister, who, after the programmes aired, immediately contacted the Taoiseach to discuss the difficulties with him. That intervention resulted in the South taking immediate action to tackle the problem through the introduction of new primary legislation that will bring the South into line with our existing legislation. That new legislation is expected to come before the Dáil in early 2008, and I hope that it will reduce the availability of those dogs on the island.

I also intend to raise the matter of alleged abuses of the EU pet travel scheme with officials in Britain and Dublin in order to ensure that illegal dogs do not come here under false documentation or under official documentation that can be downloaded from the Internet and is open to fraud.

I have already stated that it is an offence to participate in the cruel so-called sport of dog fighting. The relevant provisions are enforced here by PSNI officers, who are often supported by USPCA officials. In the past, there have been well-publicised successes in breaking up dog-fighting rings.

In late 2006, my Department consulted on a review of welfare legislation, including proposed new powers to deal with dog fighting and on higher penalties for certain offences, including those relating to animal fighting. I have asked my officials to revisit that exercise and to produce a paper that summarises the responses to that consultation.

As these issues affect both North and South, with some dog-fighting rings operating across the border, it is important that we take note of the position in the South in consideration of them. The Department of Agriculture, Fisheries and Food in the South is considering updating its animal welfare legislation, and I discussed that with my ministerial counterpart in the South, Mary Coughlan, when we met earlier this month. I have also asked that my officials liaise closely with their counterparts in the South.

As a mother of two young boys, this is an important issue for me. The public safety aspect of this issue is cross-cutting and cross-departmental. The kind of attacks from which children have suffered must not be allowed to happen again, especially those that end tragically, such as the death of Ellie Lawrenson.

I hope that my statement has dealt with Members' concerns. I will consider what has been said today. I support the motion. Go raibh mile maith agat.

Mrs Long: For obvious reasons, it is not often that a Member for East Belfast makes the winding-up speech on an agriculture and rural development issue. Therefore, I am pleased that I am able to do so on this occasion, particularly as it is such an important issue.

The reasons for the dangerous dogs legislation are twofold: it is to protect the public — the key objective — and it is to deal with issues of animal welfare, both for the particular breeds of dogs and for the protection of other animals and other dogs.

Some cases in recent years have highlighted that this is a serious issue. Over four years ago, I wrote to the direct rule Ministers after I had embarked on a round of discussions with animal welfare groups, council dog wardens, and so on, who recognised that there were difficulties with the legislation.

Unfortunately, despite the fact that I and many others — including Members of the House — had campaigned on the issue, it was never fully addressed during direct rule. I, therefore, welcome the fact that the Minister has given a positive response on this occasion. Perhaps this is an area in which devolution will actually deliver for people — something that was lacking under direct rule.

I cannot understand how anyone would want to breed an animal purely for the purposes of torturing, mutilating and destroying it in the most obscene way, or driving it to fight to the death against other dogs, with its only hope of redemption being humane destruction. It is a complete aberration. That anyone would want to do such a thing is despicable.

I, therefore, thank Trevor, my colleague, for proposing the motion. He comprehensively highlighted the complexity of the issue, particularly the need for cross-border working. I thank the First Minister for his reassurance in that regard, and for taking swift action to ensure that. I also thank Lord Morrow for his support. I am aware that Dr McCrea has taken a particular interest in the issue, and I am grateful that other Members have been so active on the subject. I recognise, as he did, the work that local councils have embarked on to ensure that the existing legislation is properly enforced.

In tabling the motion, we were concerned about legislative loopholes. The issue is that of focusing on banned types of dogs, as against the aggressive traits of individual animals. As a number of Members have said, any dog can be dangerous if it is permitted — or even worse, encouraged — by its owner to display aggressive traits.

The issue of banned types of dogs also needs to be fully understood. These are dogs that have been specifically bred to have traits that make them, not just particularly aggressive, but effective in the destruction of other animals. Therefore, there is still a need to look to those particular types of dog.

However, Gerry McHugh and a number of other Members clearly identified the problems, whereby cross-breeding of banned types can make it incredibly difficult to identify the type of animal and can disguise its typical characteristics, with a view to escaping prosecution. That has two effects that I wish to highlight, and were mentioned earlier by Willie Clarke and Tom Elliott.

Cross-breeding can affect the ability of those charged with enforcement to deal effectively with the animals that they encounter. It can also cause significant distress for families who unwittingly purchase, as a pet, a dog that is a cross-breed of a banned type. In that case, not only is a family potentially at risk from an extremely dangerous animal, but there is also distress when the council identifies the dog and has no other power but

to remove and destroy it. Therefore, as Willie Clarke said, there are implementation failures, but also legislative failures. Introducing the possibility of neutering, chipping, training, muzzling and controlling dogs would allow those cross-breeds to die out through natural means without causing unnecessary distress, while giving the public full protection, which is the aim of the legislation.

Tom Elliott rightly raised the issue of dog-on-dog attacks, where there is a differential approach. As the Minister said, dogs are controlled for attacking other animals, livestock or people. However, dog-on-dog attacks are increasingly a threat to people like me: dog owners who keep their dogs on leads and walk them responsibly, but find large, out-of-control animals bounding towards them in an aggressive fashion, with the owners completely unable to control the animals. Also of serious concern is the number of times one sees a particularly aggressive dog dragging a child for a walk. Therefore, there has to be a close look at dog-on-dog attacks, particularly where dogs are out of control.

Tom Elliott also mentioned the need to promote responsible dog ownership. Ultimately, while we focus on the dogs, owners are responsible for the behaviour of their animals. For a long time, human beings have had a close relationship with dogs: they are pets and friends. However, it seems that, at times, we forget that they are also animals with the capacity to do a lot of damage if they are not properly cared for, controlled and trained. That is something that we need to come to grips with as a community.

The right of entry into properties was mentioned by a number of Members, including George Robinson. That is important and must be considered.

I will highlight specific issues that the Minister mentioned, and I appreciate that she recognises that certain matters must be addressed. For example, she referred to the penalties that exist for those who are involved in dog fighting. Several Members raised the need to have stiffer penalties. I suspect that although six months in jail may be somewhat of a deterrent, it is not sufficient. I also realise that £5,000 is pocket change to some of those who are involved in this callous activity. Therefore, we must look at the range of penalties that can be used against those who are brought to court for mutilating and torturing animals.

I welcome the fact that the Minister has committed to a review, and, in particular, I welcome that that commitment is not a knee-jerk reaction. I am aware that there has been synergy between the motion and the several high-profile cases that have been broadcast recently on television. However, my motivation did not specifically relate to those problems; the inactivity that I had experienced during direct rule when no action seemed to be possible was a motivating factor. Therefore,

I am glad that the Minister will examine the matter in detail, taking into account the views of those who work on the coalface, whether they are involved in animal welfare charities, in local district councils, or have expertise on the subject.

I agree with Mervyn Storey's point about expert panels and witnesses. Last night's documentary made it clear that some people are prepared to sell their expertise in order to defend types of dogs that are obviously illegal. Therefore, it is important that a panel of experts exists that can be referred to in court, can give impartial views and expert-witness accounts, and cannot be corrupted by those who are involved in the dog fighting industry. That would be a most welcome and helpful step forward.

Finally, I want to focus on an incident that highlights the matter. Four years ago, just outside the gates of the Stormont estate, one of my constituents was walking her two dogs. One of her dogs was mauled by another and later died as a result of its injuries. On that occasion, that lady had no automatic right to have the owner of the other dog prosecuted; she would have had to have taken a civil action for the loss of the value of her dog. Of course, the financial value of one's dog is a tiny proportion of its worth as a family pet. Additionally, there was no automatic right to have the other dog destroyed. That incident took place yards from a children's play park. Therefore, whether such animals are banned breeds or dangerous dogs that are out of control, the issue of control of dangerous dogs must be addressed.

I thank Members for the cross-party support that we have had this afternoon. In particular, I thank the Minister for her commitment to act on the matter. I am sure that the House will be pleased when she reports back on any progress that is made.

Question put and agreed to.

Resolved:

That this Assembly calls on the Minister of Agriculture and Rural Development, in light of recent revelations about dog fighting in Northern Ireland, and of attacks by dogs on persons and other dogs in recent years, to review the dangerous dogs legislation with a view to providing enhanced protection in terms of both animal welfare and public safety.

Smoking Age Increase in Northern Ireland

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour for this debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make the winding-up speech. All other Members who speak will have five minutes.

Mr Shannon: I beg to move

That this Assembly notes the increase in the age restriction on purchasing tobacco that has been implemented in Great Britain; and calls upon the Minister of Health, Social Services and Public Safety to implement the same age restriction in Northern Ireland, as a matter of urgency.

Whun a' wus a' wain o' 11, a' wus tuk up wi' tha thought o' gaun tae tha "big schuill" ma' daes wur fu' o' woark an ma' nichts o' chores an figgerin oot aw soarts o' mischief fer ma freens an whut a' wud be up tae tha nixt dae.

This soart o' innocence is nae langer ther whun we fin oot frae tha Dep o' Health smoking website that 11% o' 11-15 year ouds noo smok.

When I was 11 years old, I was occupied by the thought of going to the big school. My days were full of schoolwork and my nights of chores and thinking of the little-boy mischief that my friends and I could get up to the next day. It is clear that such innocence no longer exists, given that the Department of Health, Social Services and Public Safety's website on smoking cessation informs us that 11% of 11-to-15-year-olds smoke.

Across the UK, approximately 450 children begin smoking every day. The sad fact is that half the children who become regular smokers will die from diseases that are caused by the habit.

3.45 pm

It is no longer adequate to show off by climbing the highest tree; it is now the done thing to light up a cigarette in order to show that one is no longer a child. The outcome is that doctors have estimated that a child who begins smoking at the age of 15 is three times more likely to die from cancer than someone who starts in their late twenties. It has also been shown that in the Province, 79% of adults who smoke began their habit during their teenage years.

It is for those reasons and others, which other Members and I will comment on, that I welcome the fact that the Health Minister, Michael McGimpsey, has launched a consultation document on upping the legal age limit for the purchase of cigarettes. The Minister issued a statement that contained the shocking information that smoking is the single greatest preventable cause of premature death and avoidable illness in Northern Ireland; it accounts for the loss of about 2,300 lives every year. That is a shocking and completely unacceptable figure. Having watched people whom I knew die

slowly from lung cancer, I am certain that major action must be taken to stop children smoking at an early age and dying as a result.

It is a proven fact that smoking is far more dangerous and addictive than alcohol, yet we allow children of merely 16 years of age to buy cigarettes legally while trying to tell them that they are not mature enough to handle alcohol. It is true that they are not mature enough to handle alcohol or drink responsibly; however, neither are they mature enough to start a habit that will not only affect their health, but also their finances. One in five 15-year-olds is an habitual smoker: 16% of boys and 25% of girls. The scary fact is that in a regular year-11 class of 30 children, six of them will have already trebled their chances of dying from a smoking-related preventable disease than if they had been prevented from smoking until later in life. That cannot continue.

The question has been posed about what difference raising the age limit to 18 will make when smoking is a habit that children invariably pick up from a parent or a close loved one, and one that they will pick up regardless of the age restriction. The answer is that only a quarter of children under the age of 16 find it difficult to buy cigarettes: nearly 70% of all 11- to 15-year-olds buy their cigarettes in the corner shop or newsagent. Those two factors are linked — not to staff in small shops wanting to feed children's smoking habits, but because it is sometimes difficult to tell whether a child is 14 or 16 years of age, due to their style of dress and so on. Raising the age limit to 18 will make it much easier for smaller retailers to tell children's ages.

In addition, not many 16-year-olds have a form of identification apart from their National Insurance cards, which are not photographic. However, an 18-year-old is likely to acquire photographic ID in order to get into clubs, for bus travel, and so on. Therefore, it would make it easier for smaller retailers if the age limit on cigarettes were raised to a point that enables photographic ID to be produced. That will make the prosecution of people who sell tobacco products to underage children much more successful. At present, the prosecution rate is not high enough and fines are small and unacceptable. The average fine for the 117 shops that were prosecuted in England in 2006 for selling tobacco products to underage children was not the £2,500 that is enforceable, but just £200. That is ridiculous and cannot continue. By raising the age limit, there will be fewer excuses for those who sell tobacco products to underage children and they will, therefore, be held responsible for their actions more often.

A representative from a major supermarket in the Province told me that it has implemented a UK-wide over-18 policy. I will not mention the name of the supermarket; suffice it to say that it operates on the mainland as well as in Northern Ireland. It operates a

policy known as the “challenge 21” scheme, whereby staff can ask customers who do not look 21 to supply ID. A prompt comes up on the till as a particular item is scanned. It has led to a drastic reduction in the number of underage children being able to purchase cigarettes. One might question the enforceability of that policy.

Nevertheless, it shows that the company is making an effort to address the issue, and it has also led to less stress for its staff, who had been having difficulty in gauging the ages of young people. If they did misjudge the age of a customer, they were being faced with the fact that they were personally liable, which could have led to their being prosecuted and fined. The decision has been welcomed by the staff and the company. Many of the company’s products — such as alcohol, cigarettes, fireworks, etc — are subject to the same rule. Although the rule may have affected sales, it has given the staff peace of mind and led to a reduction in the purchase of cigarettes by young people.

I ask Members and the Minister whether we really need to consult on this matter. I believe that the people of the Province support raising the age limit for the purchase of tobacco. The company that I have described is representative of the many shopkeepers who want the protection of the law rather than to try to work outside it, or make a mistake, as sometimes happens.

The company should be commended for the stand that it has taken on the protection of our children: the Assembly should do no less. The current legislation was implemented in 1908 — long before the full dangers of smoking were known. Smoking had merely been considered to be a bad habit that children under 16 years of age should not start. Now, it is known to be a killer that, ideally, no one should start — especially not a child who is under the age of 18.

The fact that the smoking ban has been implemented in Northern Ireland means that someone who does not smoke will no longer be the odd one out. By implementing the ban, we are seeking to make social smoking a less palatable option and to lessen the well known dangers of passive smoking. That makes this the perfect time to raise the age at which young people can buy cigarettes so that smoking will no longer be part of the social culture.

Although I fully support the legislation that makes not wearing a seatbelt in a car an illegal offence, it seems absurd that we do our utmost to lessen preventable deaths on roads while not doing the best that we can for our children. The health and future of our children is vital. In such circumstances, parents must step in and make choices for their children, aided by the Government in the form of legislation. I fully support legislation on the matter, and I ask the Assembly to support the raising of the age at which young people may buy cigarettes. The risks are well known and the

facts are clear. The younger our children are when they smoke, the more danger they are in.

Let us play our part and encourage the Minister to implement legislation as a matter of urgency, and to ensure that the age restriction on the purchase on tobacco is increased to 18, rather than 17. We have a responsibility to ensure the best lives possible for our children and we must spearhead it in as speedy a way as possible by asking our Minister to start protecting their lives.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mrs I Robinson):

I support the motion, although I would like Members to note that the matter has not been discussed by the Committee for Health, Social Services and Public Safety. Nevertheless, the Committee hopes to discuss the matter when the Minister receives his findings and brings them before it. I congratulate my colleague for proposing this important motion. No one any longer disputes the fact that smoking has deadly consequences. Now that there is a ban on smoking in public places in Northern Ireland, inevitably, the next step we should take is to limit the number of deaths caused by tobacco by raising the age at which cigarettes may be purchased.

Public health measures on smoking can have a rapid impact. According to Dr Robert Hertzka, former president of the California Medical Association, lung cancer rates there have fallen six times faster than in US states that do not have smoke-free laws. Tobacco smoke contains more than 4,000 chemicals, of which more than 60 are known or suspected to be carcinogens. Tobacco and exposure to tobacco smoke have been clearly identified as carcinogenic to humans. Tobacco is the single greatest cause of death and avoidable illness in Northern Ireland. It is estimated that it contributes to 30% of all cancer deaths and is a significant risk factor for coronary heart disease. Those represent the two largest causes of death in our Province.

There is now overwhelming consensus among independent tobacco researchers that tobacco consumption is detrimental to health. There is a clear link between exposure to tobacco smoke and lung cancer, heart disease and other respiratory illnesses. Those illnesses occur in children as well as in adults, and such exposure can have adverse effects on reproduction and can lead to low birthweight in babies.

Tobacco also causes other significant respiratory symptoms, including increased coughing, chest discomfort and reduced lung function. Moreover, it can trigger asthma attacks. In 1999, the World Health Organization identified tobacco as a real and substantial threat to child health. In children, tobacco smoke can cause bronchitis, pneumonia, coughing, wheezing, asthma attacks, middle-ear infection and cot death. The Investing for Health

strategy gives a strong cross-departmental commitment to improving health and reducing inequalities.

Tobacco is again emphasised in a new 20-year strategy for health and well-being, 'A Healthier Future', in which reducing the prevalence of smoking is identified as a key element in improving the population's health. We must create supportive environments to encourage people to quit or reduce their consumption. As my colleague has already mentioned, smoking claims around 2,300 lives in the Province each year. Stopping young people from smoking in the first place would make a great difference.

Across the water in GB, the age at which a person could buy cigarettes was increased to 18 on 1 October 2007. In the Irish Republic, that measure was introduced in 2004. The number of young people in their early teens who smoke is reducing gradually, although the number of boys who smoke is reducing more quickly than is the number of girls. Of the 11-year-olds to 16-year-olds surveyed in NISRA's 2003 young persons' behaviour and attitudes survey, more than one third smoked, and the majority of those young people had started before they turned 13 years of age.

A majority of EU nations have set a minimum age limit of 18 years of age at which tobacco can be purchased, as have the USA, Canada, Australia and New Zealand. In fact, in Alaska, Alabama, Utah and Nova Scotia, the minimum age is 19 years of age. The younger people are when they start smoking, the more likely they are to smoke for longer and to die prematurely from smoking. Someone who starts smoking at the age of 15 is three times more likely to die from cancer than someone who starts in his or her mid-twenties. Reducing the availability of tobaccos is a key component of smoking-reduction strategies. The high cost of purchasing a packet of cigarettes, as a result of high taxation, represents one of the most effective control measures. Cigarettes are more expensive in the UK than they are anywhere else in the EU.

Teenagers have been shown to have the same addiction to nicotine as adults. Recent changes to age restrictions on nicotine-replacement therapies across the water mean that children aged 12 years of age and over can now avail themselves of nicotine patches and gum. Plans to raise the minimum age for the purchase of tobacco products should be seen as being only one aspect of a package of measures.

I look forward to this matter being discussed in the Committee for Health, Social Services and Public Safety. I support the motion.

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

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. I support the motion, and I thank Jim Shannon for bringing it to the House. I also thank the Minister for attending the debate.

Anything that we can collectively do to discourage children and young people from smoking must have the full support of the House. The motion calls for an increase in the age restriction on purchasing tobacco products from 16 years of age to 18 years of age, and that is a welcome step. I remind Members of the debate on the Health (Miscellaneous Provisions) Bill, which contains a provision to allow smoking on stage, under the guise of artistic integrity. Every time that that exemption was raised — either in Committee or with the Minister of Health, Social Services and Public Safety — it was rejected outright. The motion deserves full party support.

We are trying to encourage the introduction of legislation that will prevent the sale of tobacco products to children and young people. As has been mentioned, the Minister launched a 12-week consultation on 29 October on raising the minimum age for the sale of tobacco. That consultation will finish on 18 January. I agree with the Committee Chairperson on the matter. I appreciate Jim's eagerness to move on this issue. Indeed, were we to take a straw poll, we would probably find that most people would be in favour of introducing the relevant legislation next week. However, the Committee for Health, Social Services and Public Safety has a responsibility to examine health issues, so it should be allowed to examine the issue, as would happen in the natural course of events.

Furthermore, I hope that the Member understands that we have asked for consultation on the basis that we require feedback, and, without contradicting what I said earlier, part of that consultation should involve going into schools and youth clubs to try to garner the support and awareness of children and young people. I hope that the Member accepts that caveat with full support.

4.00 pm

The age at which cigarettes can be purchased in the Twenty-six Counties was raised to 18 years in 2004, and in October this year Scotland, England and Wales followed suit. Statistics compiled by the Northern Ireland Statistics and Research Agency (NISRA) revealed that over 30% of boys and 34% of girls have smoked from the age of 13 or younger, which is alarming. Where possible, we must educate and raise awareness about reducing teenage smoking. We will have more success in putting the message across by using a youth-centred approach.

The British Medical Association (BMA) went further in its recommendations on increasing the age restriction on tobacco sales by calling for legislation to remove tobacco-vending machines and ban the sale of packs of ten cigarettes. The Executive's Investing for Health Strategy highlighted that some high-risk groups comprise vulnerable children and young people, some

of whom are looked after or are in care and are even further excluded. We must support children and young people, particularly those who are vulnerable, and help them to quit or to get involved in smoking cessation programmes.

Moreover, the BMA recommended that targeted funding and resource streams should be made available for such programmes. As a smoker myself — I did not declare an interest because I did not think I had to — I know that it is very hard to quit. I have been through several smoking cessation programmes, some more successful than others, but support is required. I urge cross-party support for the motion; however, I would like those provisions to be built into existing support programmes where possible.

I commend Jim Shannon for proposing the motion to the House. I look forward, as do other Members of the Committee for Health, Social Services and Public Safety, to discussing the matter in the Committee and using any influence that it may have to encourage greater consultation in the community.

Rev Dr Robert Coulter: I thank Mr Shannon for raising this issue in the Assembly today, and I strongly support his motion. The current age restriction of 16 years was established in 1937, at a time when the health dangers of smoking were unknown. A clear body of evidence from the BMA, which was highlighted in 2006 when the issue was debated in Scotland, shows that addiction increases the earlier a person begins to smoke. The earlier in life a person smokes, the harder it is for them to give it up.

In 2006, the BMA also called for an increase in the age at which people could buy drink or cigarettes. It is important to bracket those two addiction problems together, because they both account for a great deal of the spending in the Health Service budget. It is also important to note the threat of passive smoking. It is not simply the potential smokers who will benefit from an increase in the age at which tobacco can be purchased: day and daily, the people around them will benefit.

The BMA's 'Adolescent Health' report, published in 2003, argues that reducing the availability of cigarettes through age restrictions not only helps to reduce tobacco use, but when reinforced by the establishment of smoke-free public places and backed by media campaigns and school programmes, can reduce what the BMA called "the prevalence of smoking".

Such an integrated approach is more likely to succeed, since it recognises the complex causes of smoking, especially in relation to adolescent behaviour. Another example of that integrated approach can be found on the island of Guernsey, which offers a smoking quit-line, backed by free nicotine patches.

Fining shopkeepers who sell tobacco to people who are under 18, which was introduced in South Africa,

should be considered as part of an integrated approach. As Mr Shannon pointed out, that approach has been taken with alcohol and knives, so why not with tobacco?

It is clear from the statistics that adolescents are the most effective group to target in an anti-smoking drive. Scottish statistics show that 6% of 13-year-olds and 19% of 15-year-olds are regular smokers; approximately 14% of 15-year-old boys and 24% of 15-year-old girls smoke. Although that is a reduction from 30% for both boys and girls, the figure remains significantly higher among girls. The changing pattern from 30 years ago is that smoking is a much more persistent problem among teenage and young-adult girls than boys. The significant gender shift in tobacco addiction is of great concern to the medical profession, as is the prevalence of binge drinking among teenage girls and young-adult women.

In 2005 and 2006 respectively, the Scottish and Westminster Parliaments passed legislation on this matter; it is only reasonable that the Northern Ireland Assembly follow their example. Australia, Malta, Norway, Finland and the Republic of Ireland all have a purchase age of 18 for tobacco, and South Africa is considering measures to reduce smoking prevalence. Six out of eight Canadian provinces set the cigarette purchase age at 19, and several states in the USA are considering raising the legal age from 18 to 19 to stop high-school students buying cigarettes and sharing them with their classmates. Action must be taken against substances, such as tobacco and alcohol as well as drugs, that significantly impair the health of the people who use them and, in due course, contribute significant additional costs to the Health Service. In future, those costs could prove so great that the Health Service would break down. It also raises the spectre of the need for selective treatment for people who use such substances.

It would be prudent to impose a ban on smoking until the age of 18, or even 19, and to take positive action to improve the level of public health that we all know is necessary to protect the Health Service budget and to look after the well-being of our young people. I support the motion.

Mrs Hanna: I support the motion, and I thank Jim Shannon for proposing it. As Members know, the consultation on the issue of buying tobacco issued from the Department of Health, Social Services and Public Safety on 29 October 2007. As health spokesperson for the SDLP, I will respond to that document, and I will reiterate my thoughts on it.

The Department of Health, Social Services and Public Safety has the authority, contained in the Smoking (Northern Ireland) Order 2006, to amend the age of those who are entitled to buy tobacco products. The power to amend the legislation should be exercised, and I would be disappointed and surprised if that power to

amend was not supported on the back of the smoke-free workplace legislation.

In March last year, my response to the draft Smoking (Northern Ireland) Order 2006 noted that raising the purchasing age could reduce smoking among young people. There is evidence that, when adequately enforced, such a law can reduce the number of retailers who will sell tobacco to underage people. Eventually, of course, we want to eliminate smoking to save lives that are lost unnecessarily. Retailers continue to be a significant source of supply to underage people, and it is essential that any increase in the legal age for the sale of tobacco be accompanied by tighter implementation and enforcement mechanisms in order to have the maximum effect of reducing sales to young people. Other issues that must be considered are the availability of cigarettes from vending machines, as many of the purchasers may be underage, and the fact that packets of 10 make cigarettes more affordable.

The motion will make it more difficult potentially for young people to buy tobacco products. From the public-health perspective, I welcome an increase in the age restriction to 18, because evidence suggests that 11% of children aged between 11 and 15 are regular smokers.

Some 79% of adult smokers started to smoke in their teens and developed a lifelong habit at that young age. It is widely recognised that the earlier a person starts smoking, the more likely he or she is to become a heavy smoker and be at greater risk of suffering from one of the many diseases that it causes. An increase in the legal age at which tobacco products can be bought will improve the health of young people and should result in an overall long-term reduction in adult smoking rates.

The increase will also enforce the message about the health risks that are associated with tobacco products. Such targeted prevention will serve as a warning to young people about the dangers of smoking and, I hope, deter some from taking up the habit. The increase must be introduced in tandem with good health promotion, as has been mentioned. Good health promotion means leading by example and it must be introduced into schools.

The Republic of Ireland, England, Scotland and Wales have already taken steps to increase the purchasing age for tobacco to 18. Therefore, it simply makes sense for Northern Ireland to do the same and, thereby, create uniformity on the matter.

Mrs Long: The dangers of smoking have been well rehearsed in the debate, and I do not wish to reiterate all of them. The figures show that about 80% of adult smokers took up the habit as teenagers. People are, therefore, much less likely to start smoking after that age. Increasing the age restriction to 18 will make it more difficult for younger teenagers to obtain cigarettes, and it is likely not only to delay the uptake of smoking but, in many cases, dissuade people from ever starting.

As Mrs Robinson mentioned, tobacco impacts more strongly on those who take up smoking at a young age. The increased addictiveness of tobacco on younger age groups strengthens the argument in favour of raising the age limit and that may, potentially, make the law more enforceable. It may prove much harder to pretend to be 18 rather than 16, particularly for those aged 12 and 13.

It is helpful that wider access to photographic ID at 18 and 19 years of age would make it much easier for retailers who wish to enforce the law properly to do so effectively — those who do not could be better challenged on their failure to do so.

I agree with Rev Coulter on potentially increasing the purchasing age to 19. In America, several states have adopted 19 as the minimum legal age for purchasing tobacco because, by then, children have left school. Therefore, there is the added advantage that anyone wearing school uniform cannot purchase cigarettes. I do not dismiss that as potentially the right place to start.

As all Members have acknowledged, increasing the age at which people can buy tobacco is not a panacea for all woes. The smoking culture in Northern Ireland must be tackled through education — particularly the idea that smoking a cigarette is the mark of an adult. In addition to education, the willingness of parents to give their children cigarettes or allow them to smoke at home must be tackled. We must get across to parents that they are risking their children's health, because they are often not fully informed.

The restrictions on smoking in enclosed public spaces and workplaces has had an impact on the smoking culture — as I know from having a seat on Belfast City Council, which pioneered such restrictions before the official ban came into place.

Five times as many people gave up smoking during the four months before the introduction of the ban in England and Wales, as gave up in the comparable period the previous year. Therefore, the ban has reinforced the fact that it is no longer a socially acceptable way in which to behave, and that has had a huge impact. Undoubtedly, people will try to find a way round the legislation by getting others to buy cigarettes for them or by trying to look older.

4.15 pm

Carmel Hanna referred to vending machines. That is a significant issue. In some US and Canadian states, vending machines have been banned completely, but, in others, they are allowed only in places where people who are over 18 or 21 — depending on the state — have permission to be. Therefore, children simply do not have access to them.

Undoubtedly, there will be those who will buy cigarettes and pass them to their younger friends. However, if we create an additional barrier and make it

more difficult for young people — particularly 11- to 13-year-olds — to smoke, it will have long-term implications for the general health of the population.

From that point of view, I fully support the motion and hope that legislation and recommendations will be brought before the Committee for Health, Social Services and Public Safety for full consultation. The Committee must consider whether 19 is perhaps a more appropriate age restriction than 18. Perhaps it would be more enforceable.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. The problem with being one of the last Members to speak is that everyone has said what I wanted to say.

I support the motion and congratulate its mover. The motion is timely. I also commend and congratulate the Minister of Health, Social Services and Public Safety for bringing forward the public consultation process, which Members touched on.

Most of us say that we should not pre-empt the outcome of any consultation process, and I agree with that. However, the discussion is timely. As political leaders, we have a duty to be proactive on issues that have a negative impact on the health of children and young people in our society.

Members have highlighted stark statistics, and it is important to repeat a few of them. Smoking claims the lives of 2,300 people every year, and those deaths are preventable. Evidence shows that 79% of adults in the North took up smoking in their teens, and 11% of children and young people aged between 11 and 15 are regular smokers. The younger someone starts to smoke, the more likely he or she is to be killed by the addiction. The earlier children become regular smokers and continue to smoke as adults, the greater the risk of developing lung cancer or heart disease.

The consultation process will last for only 12 weeks. However, perhaps after today's discussion, the Minister will take on board the points that the Chairperson of the Committee and my colleague Carál Ní Chuilín have made and give us an early Christmas present of bringing forward legislation — in consultation with the Health Committee — to increase the age restriction on purchasing tobacco products to 18.

The majority of the Members who spoke on the issue are members of the Committee for Health, Social Services and Public Safety. There is no opposition to the motion. The Committee is involved in scrutinising and ensuring that legislation takes its proper course, and the Minister will not get any negativity from that.

Parallel to that, we must ensure that services are easily available and properly resourced for smokers who want to quit. We talk about introducing legislation and ensuring that we try to encourage as many people

as possible to quit smoking, but they must be able to access the resources and programmes to enable them to do that.

I am never in favour of lifting English legislation and introducing it here, but I am sensible enough to realise that we should take the good ideas from it, learn lessons from it and redesign it to meet our needs.

The Minister will be happy for a change that all Committee members who have spoken support the consultation document that he has brought forward. I support the motion.

Mr Easton: I support the motion proposed by my colleague Jim Shannon.

I am sure that no one in the Chamber is unaware of the dangers associated with smoking; it was accepted long ago that smoking kills. It is tragic to see the impact of smoking on people's health. Smoking is responsible for thousands of deaths from lung cancer, emphysema — which my grandfather died from — and related heart disease and blood circulation conditions. It is an expensive addiction and, although we recognise how difficult it is for smokers to quit, we must do all in our power to prevent people from damaging their health and ruining their lives. That is not an easy task.

Smokers come under enormous pressure from the tobacco companies, who require tens of thousands of new converts annually among the young members of our society to replace those who break the habit or unfortunately die from smoking-related diseases. The profit motive of the tobacco companies is insensitive to the number of deaths attributed to smoking. The costs of smoking to the country and the Health Service are also huge, but the priority is to do all that is possible to protect our young people from harming themselves.

Over the years, it has become clear that legislation can be a major factor in creating a healthier culture. Smoking legislation has been particularly effective in creating a new attitude in society whereby people increasingly accept, and support, anti-smoking measures. All Members must endorse the present call to bring our legislation in line with the rest of Great Britain by raising the age restriction on the purchase of tobacco. I support the call for the Minister of Health to urgently implement the same age restrictions in Northern Ireland. All Members will have heard the phrase "prevention is better than cure": raising the age limit would be a good preventative measure, along with better education, which was mentioned in the debate. I would go further and double the price of tobacco to make it harder for people to purchase. Any reticence in this matter, or failure to be wholehearted, will be a betrayal of our young people. I support my colleague's motion.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): As Members have

said, smoking is recognised as the single greatest cause of preventable death and illness in Northern Ireland, claiming 2,300 lives each year. It is a major risk factor for coronary heart disease, strokes, cancer and other diseases of the circulatory system, which kill two out of every five people in Northern Ireland. A lifetime non-smoker is 60% less likely than a current smoker to have coronary heart disease, and 30% less likely to suffer from a stroke. Smoking is also a major cause of health inequalities, and is the principal cause of the gap in life expectancy between rich and poor — instances of lung cancer are 71% higher in deprived areas. It is against that backdrop that I, like everyone else in the Chamber, am concerned about the level of smoking in Northern Ireland — particularly among young people, who are our most precious asset.

Members are aware that I launched a 12-week consultation exercise on 29 October to assess the public's view on raising the age of sale. I am aware that the age of sale was recently increased to 18 in Great Britain, which is the age it has been in the Republic of Ireland since 2004. The power to amend the minimum age in Northern Ireland is contained in the Smoking (Northern Ireland) Order 2006, the primary aim of which is to protect the public and employees from exposure to second-hand smoke in enclosed and substantially enclosed public places and workplaces. I assure Members that, following the public consultation, proposals to raise the age of sale will be brought to the Assembly for consideration.

As part of my Department's five-year tobacco action plan, we have put tremendous effort into achieving the long-term aim of a tobacco-free society. The key objectives of that plan are to prevent people from starting to smoke, help smokers to quit, and protect non-smokers from tobacco smoke. The introduction of the smoke-free legislation in April has enabled us all to enjoy a healthier work and social environment; people can now go about their business free from the toxic and damaging effect of second-hand smoke. I am sure that everyone finds it hard to imagine the time when we were subjected to second-hand smoke, whether at work or even just out for a meal with family and friends.

It is no surprise, therefore, that public support for smoke-free legislation has always been high and, I am delighted to say, remains high, with non-smoking compliance sitting at 98%. People understand and appreciate the impact of a smoke-free environment and the impact that that environment has on their health.

Evidence from elsewhere shows that the smoke-free legislation also encourages smokers to quit, and early indications show that we are experiencing the same trend. Provisional figures show that 2,706 quit dates were set in May 2007 compared with 564 in May 2006. We are, therefore, seeing some success in reducing smoking prevalence, which sits at 25%. That represents

the lowest figure since the continuous household survey began in 1983. To that end, my Department will continue to support the development of smoking-cessation services across Northern Ireland.

Everyone knows that prevention is better than cure. Discouraging people from starting to smoke must continue to be a crucial plank in our overall tobacco-control strategy if there is to be a significant reduction in smoking prevalence. The tobacco action plan identifies children and young people as an important target group. The bold statistics make for depressing reading: 11% of children in Northern Ireland between the ages of 11 and 15 are regular smokers; and, significantly, 79% of adult smokers took up the habit in their teens. Research in England also found that 57% of children obtain their cigarettes from shops. The reasons that young people take up smoking, despite the overwhelming evidence of the harm that it causes, are complex and varied. They may include parental example, peer pressure and the rebelliousness of youth.

Much good work in discouraging children and young people from taking up the habit has been ongoing for many years. The Health Promotion Agency has a well-established website for young people, and the Department of Education and the Department for Employment and Learning have promoted smoke-free environments in facilities under their control. Along with boards, the Health Promotion Agency, the Department of Education and others, the Department of Health, Social Services and Public Safety will continue to explore how best to discourage young people from adopting the habit. A main consideration in that debate is the topic under discussion today — the minimum age at which an individual can legally purchase tobacco products. The options that will be offered in the Department's public consultation will be to maintain the current age limit of 16 years of age or to increase it to 17 or 18 years of age.

I have no doubt that the controls that are in place, such as smoke-free legislation, will have a positive impact on reducing smoking prevalence, especially among young people. The fact that children and young people will not be exposed to people smoking in public will mean that they may be less tempted to take up the habit. All Members are aware, and agree, that too many lives are lost prematurely each year because of the use of tobacco, and, as a society, we need to reassess our unhealthy attitude towards its use.

I look forward to hearing the views expressed during the public consultation on whether the age of sale has a role to play in achieving the long-term aim of a tobacco-free society. The outcome of the consultation will allow me — through the Department and in conjunction with the Committee for Health, Social Services and Public Safety and the Assembly

— to take the necessary steps towards achieving our aim of a tobacco-free society.

Mr Ross: I am sure that all Members welcome the Minister's comments. I welcome the motion, and I congratulate my colleague Jim Shannon for tabling it. It has been a good debate, and it is encouraging that the House has united behind the motion. Members have heard that raising the legal smoking age to 18 will bring Northern Ireland into line with the rest of the United Kingdom, and the Minister mentioned the public support for that. Results from an ICM poll commissioned by the BBC show that 80% of people support increasing the age at which people may buy tobacco.

In his opening comments, Mr Shannon said that smoking is the single greatest cause of preventable illness and premature death in the United Kingdom, as did the Minister in his response. Mrs Robinson said that the health implications of smoking are beyond doubt. If tobacco were discovered today, it would not be legalised.

4.30 pm

Since the peak of smoking in the 1950s and 1960s the Government have made many efforts to reduce the number of smokers: recently launching the 'Smoking Kills' White Paper; bringing in legislation that bans smoking in public places; and placing restrictions on advertising. Smoking groups will be quick to point out that each individual ultimately decides whether or not to smoke, and undoubtedly children will still get their hands on cigarettes, irrespective of any age limit that we try to enforce, so the Assembly must realise that raising the smoking age alone will not necessarily stop young people from smoking. Personal choice and individual freedom are, of course, important, but it should be the clear responsibility of this Assembly to protect children from smoking.

Many young people start smoking because they see adults smoking, which has been pointed out throughout the course of the debate, so increasing the age at which a person can buy tobacco must be done in parallel with other efforts to tackle the current problem. Mrs Hanna made that point in her speech.

Facts and figures have been mentioned throughout the debate. In the UK some 120,000 people die every year from smoking, which works out at 13 people an hour. In Northern Ireland it is approximately 3,000 people each year. In 1984, some 33% of adults in the UK smoked, and at the beginning of this decade that figure had fallen slightly to 27%. However, as Mrs Robinson pointed out, young women are still the demographic most likely to smoke, which is an issue that needs to be addressed. Efforts over the last decade have been working, but the message is obviously still not getting through to some groups in society.

I welcomed the smoking ban earlier this year, and therefore I also support increasing the legal age at which one can buy tobacco products. This is not about taking away individual freedoms, because we are not talking about banning smoking. Rather we are trying to improve public health and prevent children from starting to smoke in the first place.

Rev Coulter referred to the many millions of pounds that the NHS could save in the future, and the Minister will be pleased about that given his recent budget difficulties. The motion aims to prevent children from starting to smoke; research has shown that the earlier someone starts to smoke, the more likely it is that they will smoke for a longer time and eventually die from a smoke-related illness.

It is a startling fact, and we have heard others during the debate, that some 16% of boys under the age of 15, and 24% of girls under 16, smoke. Rev Coulter, and many other Members, pointed out that fact. According to the Government's White Paper:

“for every 1000 20-year-old smokers it is estimated that while one will be murdered and six will die in motor accidents, 250 will die in middle age from smoking, and 250 will die in older age from smoking”.

That is a startling fact.

Raising the age at which tobacco can be bought will send out a strong message that this Assembly believes that smoking is potentially lethal and not safe, and will hopefully reduce the availability of cigarettes to children. That must be accompanied by stronger enforcement action against those who sell cigarettes to underage children, and there must be robust and real repercussions for those shopkeepers who do so.

Mrs Robinson talked about how the Health Committee looks forward to proceeding on this issue, and she pointed out the health improvements in California following the implementation of tobacco laws there. She also outlined the impact of smoking on individual health and pointed to other areas in the world where the smoking age is 18.

The Member opposite for North Belfast talked about targeting schools and youth clubs and raising the level of understanding in education on this issue. In his response, the Minister said that he would work closely with the Department of Education, which is a welcome statement.

Rev Coulter talked about the current age of 16 having been implemented in 1937 and how that is now out of date. He also spoke of the cost of smoking, and smoking-related illnesses, to the Health Service.

Mrs Hanna talked about how raising the limit would have a potentially important, positive impact on public health. She also spoke of tighter enforcement, particularly on vending machines and ten-pack cigarettes, which make it easier, and more affordable, for children to smoke. That is an important issue that has emerged from this debate.

Mrs Long spoke of the addictiveness of nicotine for children, and of how an age limit of 18 would be easier to enforce with wider access to photographic ID. She also recognised that the culture of smoking needs to be addressed, and highlighted the benefits that have already been realised since the ban on smoking in public places was implemented.

Ms Ramsey supported the motion and welcomed the consultation. She said that politicians should take the lead on the issue. I also noticed that she praised the English legislation on the issue, albeit slightly reluctantly.

My colleague Mr Easton talked about the thousands of deaths that have been caused by smoking or smoking-related illnesses, and the expense of the addiction. He also referred to the large tobacco companies that sought to make more people smoke. Similar debates in America have highlighted the fact that large tobacco companies use child-friendly advertising to encourage more children to smoke. Mr Easton made the very good point that the company that makes Camel cigarettes used a cartoon character to entice people into smoking. The Minister discussed the specific problem of smoking in areas of social deprivation, and that must be looked at.

Smoking is a mass habit, and it is also a mass killer. We have enough adult smokers in the UK; we certainly do not need any more. I support the motion, and I look forward to the Assembly giving unanimous backing to Mr Shannon's motion.

Question put and agreed to.

Resolved:

That this Assembly notes the increase in the age restrictions on purchasing tobacco that has been implemented in Great Britain; and calls upon the Minister of Health, Social Services and Public Safety to implement the same age restriction in Northern Ireland, as a matter of urgency.

Motion made:

That the Assembly do now adjourn. — [*Mr Deputy Speaker.*]

ADJOURNMENT

Referral of Patients from Daisy Hill Hospital to the Regional Acquired Brain Injury Unit

Mr Deputy Speaker: I remind Members that the proposer of the debate will have 10 minutes to speak. All other Members will have approximately seven minutes.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Thank you very much, Mr Deputy Speaker. I am grateful for the opportunity to debate the issue.

According to the regional acquired brain injury unit admission policy, as clarified in the recent ministerial review, patients between the ages of 16 and 65 may be admitted. It also states that people over 65 years of age can be admitted to the unit depending on their general health and rehabilitation prospects — at least, that is the theory. However, I wonder whether that happens in practice. The statistics suggest otherwise.

The only way that a patient's prospects can be ascertained is through assessment of his or her condition, but does thorough assessment actually take place?

In the case of Mr Michael Hanratty, who was admitted to Daisy Hill Hospital on 7 September 2007 with an acquired brain injury, CT scans were sent that day to the Royal Victoria Hospital where they were read by a neurosurgeon and the results sent back to Daisy Hill Hospital. At that stage in Mr Hanratty's illness, the family was told by Dr A in Daisy Hill Hospital that the approach would be to "wait and see".

The following week the family was told by Dr A that a specialist would be coming from the brain injury unit to Daisy Hill Hospital to assess Mr Hanratty on 19 September. On the day before the assessment was due to take place, the family was told by Dr A that a specialist would not now be coming to assess Mr Hanratty as he was over 65 years of age.

On 19 September, Dr A told a member of the family that "this is as good as it gets" and that the outlook for Mr Hanratty was poor. Dr A said that Mr Hanratty had frontal lobe and temporal lobe damage, but when asked to explain what that meant he said that he could not say, as there were no specialists in that field in Daisy Hill Hospital and that that was why he had personally requested an assessment from the brain injury unit. Much of that was said at the patient's bedside during visiting hours, and without due deference to confidentiality. It subsequently emerged in a letter from Belfast Health and

Social Care Trust that no formal referral was made by the staff at Daisy Hill Hospital in respect of Mr Hanratty.

The following morning Dr A apologised to the family for his approach the previous day, but told Mr Hanratty's wife that Michael would not get any better.

Dr A made that judgement, having earlier admitted that there was no appropriate expertise in the hospital and without having received the assessment that he had requested of the regional acquired brain injury unit.

The family asked Dr A if it was possible for any specialist to see Michael, and said that they were prepared to pay. Dr A said that he would investigate. Later that afternoon, he told them that he had tried everywhere, but that no specialist was prepared to see Mr Hanratty because he was over 65 years of age.

The following morning, another doctor — whom we shall call Dr B — was in charge of Mr Hanratty's case. That doctor verbally abused a member of the family because she questioned the age-65 restriction for admission to the brain injury unit. She was so distressed that she was reduced to tears and was afraid to visit the hospital again for three days.

The Northern Ireland Human Rights Commission became involved in the case at the behest of the family, and it contacted the Minister of Health, Social Services and Public Safety and the Belfast Health and Social Care Trust. As a result, on 19 October, a consultant in rehabilitation medicine, Mr McCann, was sent to Daisy Hill Hospital in order to assess Mr Hanratty. The family was only told shortly in advance of Mr McCann's visit, and no specific time was given. Consequently, no member of the family met Mr McCann.

In his letter to Dr McDowell in Daisy Hill, Mr McCann said that his first thought was that Mr Hanratty would have benefited from a CT scan of the brain in case he had developed post-traumatic hydrocephalus. If that had been the case, he might have required neurosurgical intervention, which might have led to an improvement in his status. So much for Dr A's prognosis that that was as good as it would get.

Mr McCann's assessment and the results of the scan were not communicated to the family until a member of the family contacted Mr Colm Donaghy, the chief executive of the Southern Health and Care Trust. They eventually received the scan results six days after it had taken place. Mr McCann's assessment was made available to them 10 days after it had taken place.

Since then, the family has sent the scans to a hospital in Dublin that has a highly reputable neurology and neurosurgical department, where they were read by a neurologist, a neurosurgeon and a geriatrician. All three experts said that it was a given that Mr Hanratty should have been assessed in the early days after his injury and that specialist rehabilitation was required.

The family now believes that the treatment that is available to Mr Hanratty in Daisy Hill Hospital will not lead to his recovery and, because of the upper-age restriction imposed by the regional acquired brain injury unit and by Thompson House Hospital in Lisburn, that suitable treatment is not available in Northern Ireland for a person over 65 years of age who has suffered a traumatic brain injury. In the meantime, Mr Hanratty's GP has referred him to a unit in England that does not operate an age restriction.

Several important issues that highlight the discriminatory effects of the age-restricted admissions policy of the regional acquired brain injury unit have arisen from Mr Hanratty's case. That unit's admission policy is, in my view, based on a stereotypical view of older people that considers them to be "old, frail individuals", which are the words of Dr Barnes, who is quoted in the ministerial review and who provided commentary for the initial business case for the unit.

Many older people have good health and are fit, and they increasingly take part in sports such as swimming, cycling and even marathon running. Until the day of his injury, Mr Hanratty ran a farm with 200 cattle — he was a fit and able person.

4.45 pm

The age restriction imposed by the unit is totally arbitrary. It is based on the evidence of an English specialist, who, in his commentary on the original business case, said that it was difficult to set an upper age limit. Yet he went ahead and did so.

People over 65 who suffer brain injuries are not adequately assessed in local settings. Mr Hanratty's case, as I have outlined it, and through the experience of his family, proves that beyond the shadow of a doubt.

Mr Hanratty would not have been assessed had it not been for the pressure that was applied by his family, myself, the Human Rights Commission and, eventually, by the Minister's office. Is that what every 65-year-old person in Northern Ireland will have to do to receive an assessment? I hope not.

The treatment available locally is not of a specialist nature and does not afford people over 65 the best possible opportunity for recovery. There are other issues, but time will not allow me to elaborate on them today. My colleague Mrs Hanna will deal with some of them later.

The ministerial review into the matter has resolved nothing. The Minister must examine the case again and take a personal interest in it. He must ensure that each case is assessed on its merits and that patients are admitted to the regional acquired brain injury unit based on their general health and rehabilitation prospects, regardless of their age. The only way in which that can be achieved is through proper assessment by specialists in the field at local level.

Mr Irwin: I am sure that it will have come as a shock to many of us to hear of the circumstances surrounding the referral from Daisy Hill Hospital to the Regional acquired brain injury unit of a Silverbridge farmer who sustained serious head injuries after being kicked by a bull.

I am sure that the majority of people in Northern Ireland would also agree that, after sustaining serious head injuries, one would expect to receive the highest level of assistance available. However, it transpired that the patient and his family were left in an unacceptable situation after being told that, due to the patient's age, he would not be transferred to the regional acquired brain injury unit at Musgrave Park Hospital or receive a visit from a specialist.

Most people in Northern Ireland would find that as shocking as the family did. Despite a review by the Department, Minister McGimpsey found that the unit's admissions policy was correct. However, Minister McGimpsey stated that the current policy does not prevent people over the age of 65 being admitted to the unit providing:

"it is the most appropriate place for them."

I ask the Minister why, after the gentleman sustained a serious head injury, his family was told that the regional acquired brain injury unit was not an appropriate place for him, and that he would not receive a visit from a specialist? That is a difficult policy to defend, given that everyone expects to have the best possible chance of recovery despite their age.

Why was it that a visit by a specialist from the unit was hastily arranged following representations from the family's solicitor? Should that visit not have occurred in the first instance? The Minister also stated that the policy would be examined by the Equality Commission, and I ask him to confirm to the House the conclusion of the commission's deliberations.

The family of the gentleman in question has been left with a bitter taste over the incident, which has led to claims that the treatment afforded to those over 65 is inferior to that offered to younger patients. That perception must be addressed, and I ask the Minister to outline how he intends to do that.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom cúpla focal a rá. I would like to say a few words on this matter.

My colleague Sue Ramsey raised this issue with the Minister of Health after a meeting of the Health Committee, and the Minister indicated that he would look into it and review the age policy.

I welcome the opportunity to speak on this issue and I thank the Member for bringing it to the Chamber. I want to highlight how the issue has arisen with regard to the statistics, but I will also be speaking from personal

experience. My uncle tragically died from a brain injury. Thankfully, because he lived in Monaghan, he had access to treatment in Dublin and that made it a bit easier on the family. Sadly, though, he passed away.

Traumatic brain injury can result from a closed head injury or a penetrating head injury, and is one of two subsets of acquired brain injury. The other subset is non-traumatic brain injury — for example, strokes or meningitis. The effects of a brain injury can vary widely. Head injury patients may experience physical effects such as headaches, seizures, difficulty in walking or coma; it goes from one spectrum to another. There can be emotional problems, including mood swings, poor impulse control, agitation, low frustration threshold, depression and many other effects.

Approximately 7,800 incidents of head injuries are reported each year in the North of Ireland, of which approximately 3,300 involve admittance to hospital. The majority of those are caused by road accidents involving cars, motorbikes, bicycles and pedestrians. That is the major cause of head and brain injuries for those under 75 years of age. Falls are the major cause for those over 75 years of age. Approximately 20% of brain injuries are due to some form of violence; 3% are sports-related injuries; and 50% involve some form of alcohol intake by the patient or those who caused the injury.

The regional acquired brain injury unit at Musgrave Park Hospital opened in March 2003, and was the first of its kind in the North. The facility is a specialist unit to which patients can be transferred as soon as possible after care in an acute hospital, which frees up valuable bed space and provides a comprehensive rehabilitation programme on an inpatient and outpatient basis. A full range of modern therapy facilities are provided. When it opened, it was to be the centre of excellence for research into the management of acquired brain injury. The facility accepts only patients from the North of Ireland referred by GPs or medical consultants. It has 25 inpatient beds and can provide services for 15 outpatients.

Herein lies the problem. The regional acquired brain injury unit is a top-class facility with dedicated, professional, and hard-working staff. However, approximately 3,000 people are being admitted to hospitals — whether it is Daisy Hill Hospital, the Royal Victoria Hospital, the Mater Hospital, Altnagelvin Area Hospital or even Antrim Area Hospital — and only 5% of them require the service of that facility; that amounts to 150 patients a year who will need specialised treatment. They could be there for two, three, four or six weeks, or more. That obviously puts the facility under severe pressure, and that pressure filters down to regional hospitals. It is as a result of that that individuals are told that they are too old or too young, and that they would be better off at home. That is unacceptable, and it is clearly not good enough. Everyone is entitled to the best healthcare

available; there should be no clauses as to who should or should not receive treatment.

If health experts in the regional hospitals cannot give their patients the proper care required, they are morally bound to raise the issue with the Department of Health, and to inform all of their elected representatives of their concerns.

In conclusion, I call on the Minister to initiate a comprehensive review of brain injury treatment in order to ensure that fair and equal treatment is available to all, regardless of age or gender. Go raibh maith agat.

Mr Kennedy: I am conscious that this is a very important issue, yet it impinges greatly on the emotions of one particular family, who are highly respected in the south Armagh area.

It impinges specifically on Mr Michael Hanratty. Members are all — and should be — conscious of the sensitivities that are involved as they consider the motion. I am sure that at this enormously trying time we would not want to add in any way to the distress or emotional pressure that has been placed already on the Hanratty family.

I am aware that Mr Hanratty enjoyed good health and was very active, not only at home and on his farm, but in the local community. The sudden onset of his medical condition has obviously caused great distress and shock to his family, and Members would do well to remember that.

Early in the consideration of the matter, I raised it with the Minister and his private office in the hope that any available assistance could be given as quickly as possible. I do not doubt the professionalism of either the medical staff at Daisy Hill Hospital or the Department of Health, Social Services and Public Safety. Least of all, I do not doubt the personal commitment of the Minister himself to try to assist in every possible way.

The overwhelming number of patients at Daisy Hill Hospital receive first-class medical and health treatment. No one would say otherwise. We do not doubt the dedication or professionalism of the nurses, doctors or ancillary staff.

The case has highlighted the more general issue of how patients who are of a certain age and condition are treated. The staff who are involved in such treatment have to make delicate and enormously difficult judgements. However, those judgements are most difficult for families that are coming to terms with a new, complex and difficult medical situation.

I join Mr Boylan in his call for the Minister, having reviewed the operation of the regional acquired brain injury unit at Musgrave Park Hospital, to extend that review Province-wide to see whether any new considerations can be given to the overall issue. I have no doubt

that such cases will continue to be highlighted in the public domain.

It is good, therefore, that the debate has taken place today. I thank Mr Dominic Bradley for bringing it to the attention of the House and for the sensitive way in which he has approached it. The Members and the Minister are all on the same side: the side of the Hanratty family. We want to see what can be best achieved for Mr Hanratty and, in general, for those who find themselves facing great difficulties as a result of brain injuries.

I ask the Minister to consider whatever possible additional assistance he can give in respect of this case, and, more generally, to consider extending his inquiry to the whole of Northern Ireland.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I, too, commend Dominic Bradley for bringing the motion to the House. The motion raises wider issues about the care of older people and about ageism in general. It comes as no surprise that a recent survey showed that 73% of older people stated that they felt marginalised.

5.00 pm

The Department of Health, Social Services and Public Safety has a policy regarding over-65-year-olds and brain injury, which boils down to the fact that someone over 65 with that kind of injury does not get treated. The perception that older people are frail, dependent and isolated may be a self-fulfilling prophecy. Ageism pervades our healthcare system and prevents older people from receiving optimum healthcare. In turn, that leads to their increased dependency on family and public resources, increased disability and mortality, depression and isolation. That is completely unacceptable.

Like many, I believe in the saying that an ounce of prevention is worth a pound of cure. Mr Bradley highlighted that early intervention in Mr Hanratty's case could have been beneficial. There seems to be an assumption that pervades society in general, and the health system in particular, that serious medical conditions are an inevitable part of becoming older. The truth is that they are not. Known preventative treatments go a long way to keeping older patients healthy and enhancing their quality of life. Yet, the case of Mr Hanratty — and many others — shows that they often do not receive such treatments.

Ill health is not an inevitable part or consequence of growing older. When an elderly person encounters a health problem, studies show that physicians often use the person's age, rather than his or her functional status, as a factor in determining the appropriate treatment. Clearly, that ageist bias has infiltrated our Health Service and affected treatment decisions inappropriately.

Can older patients not speak up and demand better treatment? Unfortunately, they too have fallen prey to

the mistaken notion that their ill health is simply a part of ageing. I commend the Hanratty family for standing firm to highlight the plight of their father, which in turn has rekindled the ageism debate. I urge the Minister of Health, Social Services and Public Safety to take a lead role in ensuring that the issue of ageism is tackled in the Health Service. More education is necessary across the board if health departments are to provide their older patients with proper care, and those patients are to take charge of their health.

Those over 65 do not have to resign themselves to living their remaining years with a declining quality of life. Proper knowledge can extend lives, and make them happier and healthier. Healthcare should be free at the point of delivery, irrespective of age or other considerations. Indeed, as I said, prevention could have been of benefit to Mr Hanratty had it been in place. Go raibh míle maith agat.

Mrs Hanna: The review into the admissions policy of the regional acquired brain injury unit, initiated by the Minister of Health, Social Services and Public Safety, was prompted by the case of Mr Michael Hanratty. The unfortunate outcome in Mr Hanratty's case is a sad reflection of an ageist policy.

The review throws up a number of questions connected with the admissions process, not least of which is the restriction of that service to those who are between the ages of 16 and 65. Indeed, the professor who informed the policy has a stereotypical view of older people, as has been said. He views them as frail and not suited to sharing a more dynamic environment with a younger, more aggressive clientele. Many older people — and people of 65 years of age may not be considered old any more — are fit, well and in good health. They may be fit enough to benefit from the treatment in question if the age restriction did not debar them.

It is possible that people between the ages of 16 and 65 may be so frail and weak that they may not benefit from treatment in the unit, and yet they are not excluded. That begs the question: why have restrictive age limits been imposed? Why is each case not determined on its own merits regardless of the age? That seems much more commonsensical.

If the admission of people who are at the lower end of the age scale is determined on their own merits, should the same criteria not be used for patients who are at the upper end of the scale? In other words, why should all patients not be assessed on their own merits? Why have age restrictions in the first place? Why not determine admissions on merit, especially when the admission policy, which was clarified in the recent ministerial review, states that a patient's prospects are ascertained through assessment of his or her condition. Surely that is what must happen for all patients, whether

they are under or over 65 years of age. There is also a strong economic argument for early intervention.

I thank the Minister for calling for an urgent review after a complaint from Mr Hanratty's family. To summarise that case: Mr Hanratty was fit and up and about on the farm before he was hit by a bull. His family wanted him to be seen by a specialist but was told that he was too old. The Equality Commission's report and the Human Rights Commission's views on what happened after that must be made public. Those details are not available.

The media has highlighted disturbing cases in which patients have been denied good-quality treatment because of ageist attitudes. There would not have been any review had Mr Hanratty been someone over 65 years of age who did not have a family to demand that he was given necessary and urgent treatment. I thank the family for its courage in seeing that through. However, the situation should never have happened, and more questions are thrown up, such as whether Mr Hanratty's family is entitled to financial aid should he now have to be transferred to England for treatment. Are there upper age limits on other vital services, such as bypass surgery, dialysis, screening, and so forth? Are older people less likely to be offered health and mental-health promotion and hospital referrals?

Older people are often stereotyped and not valued as individuals who have particular healthcare needs. Age discrimination can also be more subtle — for example, through the lack of priority that is given to elderly people's long-term needs. Surely healthcare should be offered to everyone on a clinical basis. There should not be any age discrimination. Provision and quality of care must not be based on age but on merit and need.

Mr P J Bradley: I want to apologise for my late arrival. I was at a meeting of the Committee for Agriculture and Rural Development, and the Adjournment debate is taking place much earlier than I had expected. I thank Dominic Bradley for raising the issue. I know Mr Hanratty and his family. I had the pleasure of doing business with him during a previous career. I found him to be a gentleman.

In the Newry and Mourne area, there is a large population of healthy, energetic people who are over 65 years of age; I am sure that that applies throughout Northern Ireland. While I am on my feet, I want to take the opportunity to congratulate one such person — my neighbour Mrs Moynes, who celebrates her one hundredth birthday today. She is a healthy, hale and hearty lady. It is hard to believe that she is 35 years outside the age bracket for treatment. I congratulate Mrs Moynes on reaching her hundredth birthday today.

The Michael Hanratty case caused much concern when it was first publicised. It triggered much worry among elderly people and their families. Just when we

thought that the Health Service was there to lend support when needed, we have discovered that the opposite is true. I am glad that the Minister is present, because I have every confidence in his ability to deal with the issue. To date, his handling of the situation has been fairly satisfactory.

I want to reiterate my thanks to Dominic Bradley for bringing the matter to the Assembly's attention.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I also want to thank Mr Dominic Bradley for bringing this important issue to the Floor of the Assembly. The issue of admissions to the regional acquired brain injury unit in Belfast was highlighted in the media, particularly concerning the referral of one patient. The patient — who is, of course, one of Dominic Bradley's constituents — had been admitted to Daisy Hill Hospital with an acquired brain injury.

It might be helpful if I begin by explaining what is meant by acquired brain injury. It is an injury, or assault, that has occurred to the brain since birth. For example, it can be the result of trauma following a car accident, a fall from a height, a stroke, or a haemorrhage. People may think of a brain injury arising as a result of a traumatic incident, such as a serious road traffic accident. However, approximately 4,000 patients each year suffer a stroke, of which approximately one third will be left with a brain injury that has to be managed.

Whatever the cause, brain injury can have a wide range of effects that will vary from person to person, depending on the exact nature of the injury and its severity. Obviously, it can be difficult and distressing for the family and friends of those who have suffered the injury. We must ensure that the right treatment is provided to every patient, meeting their needs and aiding their recovery. A brain injury can affect every aspect of how a person lives, thinks, breathes, walks and talks. Therefore, it is hardly surprising that every patient, and their acquired brain injury, is different and that their treatment and rehabilitation needs will vary.

Generally, treatment is multidisciplinary, and the team treating a patient may typically include speech and language therapists, occupational therapists, physiotherapists and other relevant clinicians. Nevertheless, we must also recognise that an individual's brain injury may be only one of several existing health problems that must be addressed. Older people, for example, may have heart problems, respiratory diseases or arthritis. Other patients may have a physical difficulty, or a difficulty with their sight. All of the co-existing difficulties need to be managed.

In addition to the services that are provided at the regional unit, there is a range of well-established, high-quality services for patients in Northern Ireland, which include the high-dependency rehabilitation unit

at Daisy Hill Hospital; the regional neuro-disability centre at Thompson House Hospital in Lisburn; Spruce House, at Altnagelvin Area Hospital; and the twelve-bedded male neuro-behavioural rehabilitation unit at the Main Villa, Knockbracken Healthcare Park.

When the patient — to whom Mr Bradley referred — was admitted to Daisy Hill Hospital, I am aware that his family was incorrectly advised that the regional acquired brain injury unit only admitted patients aged 16 to 65. Mr Hanratty, the patient, is over 65 years of age. Understandably, the family were, and are, deeply concerned that their father's age appeared to be the reason why he was denied access to the specialist treatment that was available at the regional centre.

When the matter came to my attention, I instructed my officials to carry out an urgent review of the unit's admissions policy because I wanted to be assured that all equality and human rights legislation was being adhered to. I also wanted to know if — and why — an apparent ageist policy was being applied to health services, and if patients in the regional unit were receiving a higher quality treatment than others.

The regional acquired brain injury unit at Musgrave Park Hospital opened in May 2006. The unit was established to address an identified gap in provision for patients with brain injuries. That gap in services was highlighted in the unit's business case, which was subjected to public consultation and an equality impact assessment. The business case pointed to the fact that traumatic brain injury rehabilitation was mainly provided in settings for older people.

The review was completed on 19 October. The report concluded that the admissions policy does not exclude patients who are under 16 or over 65 years of age. Patients outside that age range can, and are, admitted to the unit, depending on their general health and their potential for rehabilitation, which may be influenced by any pre-existing health conditions.

There have been 36 admissions since the unit opened on 1 May 2006. Approximately 10% of the patients who were admitted were aged between 61 and 70, six of whom were over 65 years of age. In addition, there were 19 admissions of patients who were 18 years of age, or younger, to the unit in the same period. While the admissions policy is clear, I acknowledge that there were serious communication difficulties in the case to which Mr Bradley refers. I want to place on record my sincere apologies to the family for the distress that the incident has caused them, and the breakdown in communications —

5.15 pm

Mr D Bradley: I have seen a copy of the referral form that the Southern Health and Social Services Board used. That form clearly states that people aged under the age of 16 or over the age of 65 are excluded from

referral to the regional acquired brain injury unit. No exceptions are mentioned; there are no ifs or buts. According to the referral form, both of the aforementioned groups of people are excluded. Can the Minister explain how people over the age of 65 can be referred to the brain injury unit when the referral form makes no mention of any exception to the restriction that is contained in it?

Mr McGimpsey: I thank Mr Bradley for making that point. That form was withdrawn on 24 October, and it was part of the communications problem that existed in the trusts and in Daisy Hill Hospital, and that resulted in misinformation in the unit. I have since written to the chief executives of all the trusts to inform them of the true policy, and I have made it a requirement that they inform all the staff in their areas of responsibility of the correct policy.

I have asked the Belfast Health and Social Care Trust about the number of admissions to the unit. Excluding Mr Hanratty, 10 patients from Daisy Hill Hospital were considered for admission. Of those 10, nine patients were subsequently admitted. Thus, there is a clear link. Patients over the age of 65 or under the age of 18 have been referred to the unit, but I accept that there was a clear misunderstanding, to put it mildly, on the part of the trusts and Daisy Hill Hospital. Again, I sincerely apologise to the Hanratty family for the misinformation and poor communication.

Patients of all ages have the right to access the best available treatment, and there should never be any question of discrimination on the grounds of age, or on any other grounds. The review outlined the range of treatment that is currently available to everyone with an acquired brain injury in Northern Ireland. It also explained why, for some patients, the unit may not provide the most appropriate or best treatment.

At present, there is no dedicated acquired brain injury rehabilitation unit in Northern Ireland specifically for children. I expect that to be addressed through the provision of suitable services in the new women's and children's hospital. Currently, children under the age of 13 who suffer from an acquired brain injury are usually initially admitted to the Royal Belfast Hospital for Sick Children, and rehabilitation is normally delivered via a range of therapy and community services in acute and community child-health facilities. Older children may be admitted to the regional unit, but only if it is deemed clinically appropriate and suitable for a child to be placed in a unit with adults. The unit's admissions policy is in line with those in the rest of the UK. In particular, it is important to ensure that clinicians and other health professionals who look after the needs of elderly people have the necessary specialist expertise.

However, as I said earlier, I have now instructed all health and social care trusts to take immediate steps to prevent any further problems with communications over

admissions to the acquired brain-injury unit. I have ensured that the unit's admissions policy has been communicated by chief executives to all Health Service staff.

I wish to respond to the points that Mr Boylan and Mr Kennedy made. Although the review of the unit highlighted that the policy is not ageist, I recognise that it focused on the unit's admissions policy. For me, the review raised questions about the unit's wider service provision. I am therefore announcing a review of the Northern Ireland-wide provision of services for those with brain injuries, and of the protocols and care pathways by which patients can access those services.

I want to ensure that the needs of all those with brain injuries are being met. Let me make it clear that patients of all ages have the right to the best available service, commensurate with their needs. Patients, and their relatives and friends, quite rightly expect the best medical treatment and care to be provided regardless of age, and I am committed to ensuring that that expectation is met.

Adjourned at 5.20 pm.

