
NORTHERN IRELAND ASSEMBLY

Monday 15 September 2008

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

Members observed two minutes' silence.

SPEAKER'S BUSINESS

Mr Speaker: I would be grateful if those Members who wish to raise points of order would refrain from doing so until I have made a number of announcements. I am not inviting points of order, I am simply asking Members not to raise any until I have made my announcements.

I welcome Members back after the summer recess. I am sure that you are aware of the changes that have been made to the Chamber since our most recent sitting. There may be some teething problems, and I ask Members to channel any concerns through their party Whip rather than by raising points of order. We will see whether we can resolve any problems that way. It is hoped that any teething problems will be short-lived.

A further change that occurred during the recess was the appointment of the Clerk to the Assembly/Director General, Mr Trevor Reaney. He is at the Table today, and I am sure that all Members will wish to join me in welcoming him and in wishing him every success in his new role.

Some Members: Hear, hear.

EXECUTIVE COMMITTEE BUSINESS

Mesothelioma, etc., Bill

Royal Assent

Mr Speaker: I inform Members that the Mesothelioma, etc., Bill has received Royal Assent. The Mesothelioma, etc., Act (Northern Ireland) 2008 became law on 2 July 2008.

Child Maintenance Bill

Royal Assent

Mr Speaker: The Child Maintenance Bill has received Royal Assent. The Child Maintenance Act (Northern Ireland) 2008 became law on 2 July 2008.

Budget (No.2) Bill

Royal Assent

Mr Speaker: The Budget (No. 2) Bill has received Royal Assent. The Budget (No. 2) Act (Northern Ireland) 2008 became law on 2 July 2008.

Charities Bill

Royal Assent

Mr Speaker: The Charities Bill has received Royal Assent. The Charities Act (Northern Ireland) 2008 became law on 9 September 2008.

ASSEMBLY BUSINESS

Mr Paisley Jnr: On a point of order, Mr Speaker. Will you confirm that the Prime Minister of the United Kingdom of Great Britain and Northern Ireland will visit Parliament Buildings tomorrow? If that is the case, will you confirm that a search of the Building will take place, in accordance with security arrangements? Will you confirm also that no attempt should be made by any Member to impede that search, and if such an attempt is made — and I ask the question in those terms: if such an attempt is made — will you investigate fully any attempt to impede the police in performing their duty to search the Building? Will you confirm that all offices in the Building — especially those on the third floor — will be unlocked and searched properly before the Prime Minister's visit tomorrow?

Mr Speaker: I thank the Member for his point of order. I assure him that all the issues relating to the implications of tomorrow's visit are being dealt with by the Assembly Commission and the Business Committee. I confirm also that the Assembly Commission will meet at approximately 1.00 pm today to consider such issues, including those that the Member raised.

Mr Paisley Jnr: On a point of order, Mr Speaker. As you know, Standing Order 11 includes a regulation that allows Members to recall the Assembly. Will you confirm that, over the summer months, you did not receive any official communication on behalf of any Members — let alone 30 Members — calling for the Assembly to be recalled for emergency purposes as the result of an alleged crisis? If that is the case, will you confirm also that you have not received a pro forma letter circulated by the SDLP, calling upon you to recall the Assembly? Furthermore, will you urge Members to refrain from using the Speaker's Office for political gimmickry?

Mr Speaker: First of all, I confirm that I received no such correspondence — *[Interruption.]*

Order, order. I confirm absolutely, to all sides of the House, that I received no correspondence of that nature, nor any other notice issued under Standing Order 11, in relation to the recall of the Assembly during the summer recess.

Lord Morrow: On a point of order, Mr Speaker. Is it not protocol, and is it not proper and right, that you are the first person who should be approached if the House is going to be recalled? You confirmed to Ian Paisley Jnr just now that you received no such request, yet some Members have been asked to sign documents that have been floated around.

Mr Speaker: What parties do in relation to the recall of the Assembly is their own business, but I certainly take note of your point.

Mr Kennedy: Mr Speaker, I welcome you back to the House and to the Chair.

On a point of order, Mr Speaker. In your opening statement, you referred to changes that have been made to the Chamber. Will you confirm that, to the largest extent possible, firms from Northern Ireland were employed in the provision of all the new facilities and new additions to the Chamber, so that, to the best of its ability, the Assembly supported firms from Northern Ireland and our local industry?

Mr Speaker: I do not have the details here but I am happy to either come back to the Member in writing or to provide that information to the House. My understanding is that all the firms that were employed in the refurbishment of the Chamber were local, but I stand to be corrected.

EXECUTIVE COMMITTEE BUSINESS

Diseases of Animals Bill

Second Stage

Mr Speaker: Order, we now come to the Second Stage of the Presumption of Death Bill. I call the Minister of Finance and Personnel. Sorry Members, we now come to the Second Stage of the Diseases of Animals Bill. I call the Minister of Agriculture and Rural Development, Ms Michelle Gildernew.

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh maith agat, a Cheann Comhairle. I, too, welcome Members back to the Chamber this afternoon.

I beg to move

That the Second Stage of the Diseases of Animals Bill [*NIA 22/07*] be agreed.

Over the past year, we have witnessed an increasing threat from animal diseases. The problems in Britain since last summer, due to foot-and-mouth disease, avian influenza and, more recently, bluetongue have highlighted the value of the fortress-Ireland approach, which — in conjunction with the Department of Agriculture, Fisheries and Food in the South — I have adopted. Thankfully, working in close co-operation with colleagues in Britain, the South and in Brussels has enabled us to deliver effective protection against the spread of those diseases to the North.

The Department continues to bear down on animal diseases that impose significant and ongoing costs to both Government and industry — specifically bovine TB and brucellosis. We have had some success in reducing disease levels, but more must be done. In common with other Administrations, we strive to ensure that the strategies and approaches used to combat diseases are the most effective.

However, despite much success, we must not become complacent, and we can do a great deal more. The consequences of any disease outbreak for our agrifood industry and the general economy are all too apparent. That is why I have made animal health a key priority.

The current legislation on disease control dates back to 1981. Although it has served its purpose reasonably well, some serious deficiencies remain. For example, there are no powers in our current domestic legislation to enable the implementation of EU decisions on matters such as emergency vaccinations or preventative slaughter. Furthermore, there are insufficient powers to deal with disease outbreaks and to regulate fully the import and export of animals and products. Moreover, there is a lack of protection for law-abiding farmers against the illegal or inappropriate actions of a minority

who would jeopardise the reputation of the agriculture industry for short-term gain. Clearly, we require legislation that will provide a framework to deal with those issues. We require legislation to go further and to enable the introduction of policies that reflect the latest developments in research and technology in the tracing and combating of disease. Those are the principles behind the Bill.

Before I comment on the generalities of the Bill, I would like to thank those who responded to the consultation exercise carried out by my Department earlier this year. Particularly, I pay tribute to the Chairperson and members of the Committee for Agriculture and Rural Development, who, on three occasions, invited my officials to make presentations on the Bill. I thank them as well for their helpful comments.

Although I recognise that not everyone is happy with all the provisions of the Bill, I am glad to say that there is broad industry support for the establishment of a more effective framework to deal with animal diseases. I will address those concerns later.

The Bill contains 24 clauses and three schedules. Those provisions supplement powers already available under the Diseases of Animals (Northern Ireland) Order 1981. I do not intend to comment on each clause in the Bill, as many of them concern relatively minor, tidying-up changes to the 1981 Order. However, I would like to explain the thinking behind the main provisions.

Clauses 1, 2 and 14 provide my Department with new powers to carry out vaccination programmes and to slaughter animals to prevent the spread of disease. Under EU rules, emergency vaccination and preventative slaughter have become key tools in dealing with serious disease outbreaks. I must ensure that we have the necessary powers to transpose any EU requirements on vaccination and slaughter into our domestic law.

I mentioned earlier that powers are required to enable the introduction of policies reflecting the latest developments in research and technology in tracing and combating disease. Clause 3 contains contingency powers to enable action, should any transmissible spongiform encephalopathy (TSE) disease in livestock become a human health risk. Examples of TSE diseases would be bovine spongiform encephalopathy — that is BSE in cattle, or scrapie in sheep. At present, there is no evidence of any new risk. However, the contingency powers in clause 3 will enable swift and decisive action to be taken to protect human and animal health, should that be necessary in the future.

Another emerging area is the use of new technologies such as DNA sampling and retinal imaging or eye scanning. Those technologies would determine and record — for all time — the unique identity of an animal.

12.15 pm

Clause 4 will enable the use of those procedures to confirm the identity of an animal and thus enhance and strengthen the traceability of livestock. For example, it will enable a TB or brucellosis reactor to be identified by its DNA profile or retinal image, thus ensuring that the correct animal is removed from the farm for slaughter. I am delighted to say that pioneering research from the Agri-Food and Biosciences Institute (AFBI), involving the retinal imaging of sheep in the glens of Antrim, has won a Home Office award for the most innovative method of crime prevention through a joint PSNI/AFBI pilot project.

Clause 4 will also provide new powers for my inspectors to enter premises for purposes related to the identification, vaccination or slaughter of animals. I am aware that there are particular concerns and sensitivities about how powers of entry are exercised. I assure Members that I have given careful consideration to that aspect of the Bill.

First, the new powers are strictly related to enforcement of disease control matters. If those powers are not made available to the Department of Agriculture and Rural Development (DARD) inspectors, it could seriously hold up the progress of a disease investigation. Although I am satisfied that the powers are the minimum necessary, I have included the following controls that inspectors must observe. Inspections must be undertaken at reasonable times; inspectors must produce evidence of their legal authority and, if requested, state in writing their reasons for entering the premises; inspectors must leave any unoccupied premises effectively secured; and 24 hours' notice must be given for entry to a dwelling house — Members should note that no such notice is required currently. A magistrate's warrant is required for entry without notice, and strict conditions must be met to satisfy the magistrate. When a warrant is used, strict obligations apply to communication with the occupier and to record-keeping.

Furthermore, following the Ruddock Review of DARD's handling of the alpha-nortestosterone (ANT) issue, I have reviewed the manner in which my Department conducts on-farm searches. I have considered several additional operational and administrative protocols and procedures that will complement and reinforce the statutory safeguards in the Bill. Best practice in other organisations has also been explored for areas that we can draw upon. Those administrative and operational measures are not appropriate for inclusion in the Bill, as they relate to practice and protocol, rather than legislative measures. However, the practices are now included in staff instructions and operational procedures.

Clause 6 will provide powers to introduce a fixed-penalty scheme by means of subordinate legislation. It is fair to say that the proposal for a fixed-penalty scheme has caused some concern and, therefore, it will be helpful to explain the advantages of such an approach. The scheme will apply to certain existing offences under the Diseases of Animals Order 1981; we are not taking powers to create new offences. The scheme will offer recipients the opportunity to elect to take the fixed penalty and thus avoid being subjected to formal enforcement proceedings that may culminate with a court appearance and a criminal conviction. It is, therefore, entirely down to the recipient whether he or she accepts the fixed penalty. People have the choice of going down the fixed-penalty route or the court proceedings route, and the Department will enable that flexibility.

The offences will be specified in draft subordinate legislation, which will be subject to consultation with stakeholders and the Agriculture and Rural Development Committee, and the Order will be laid before the Assembly. The type of offences covered will be strict liability offences that have the potential to compromise disease-control measures.

Examples of the possible application of fixed penalties would be: in relation to the movement of animals during a disease outbreak; in relation to the movement of unidentified cattle or sheep, with animals not tagged or identified in accordance with current legislation; or where there has been an attempted illegal import.

Members will agree that any breach of disease-control measures causes considerable resentment from law-abiding farmers and the general public, as well as adding to the burden of animal disease on the public purse. I hope that a fixed-penalty scheme will act as a deterrent to anyone who is not complying with animal-health law. I assure Members that fixed-penalty notices will be handed out sparingly, and only when the need arises. As I have said already, there will be an option to decline in favour of the full legal process.

Clause 15 requires farmers to have isolation facilities on their farms. Again, I want to allay fears that that means a state-of-the-art biosecure building. It means, ideally, a small house; however, a pen or segregated part of a field will do.

The requirement is for a specified area where an animal that is suspected of being diseased can be kept in isolation from other animals, pending further investigation. I stress that the isolation of diseased animals is a fundamental tool in the control of any contagious disease, including tuberculosis and brucellosis. It is also good animal husbandry practice and can be used by farmers to protect their farms. In

the biosecurity code, herd-keepers are already advised to have isolation facilities available.

Failure to isolate an animal increases the risk of disease spread. For example, failure to isolate brucellosis reactors may lead to the rapid spread of disease within the herd and present an added risk to those handling the cattle. DARD has no powers to require the isolation of animals and must rely on the voluntary co-operation of herd-keepers. Most keepers are highly responsible and understand the need to isolate animals in particular circumstances. The small minority who fail to co-operate will, in future, risk the prospect of legal proceedings.

I now turn to the important issue of biosecurity. A point often made to me is that there is no recognition or protection for the many law-abiding farmers who maintain high animal-health standards on their farms and who do so much to enhance the reputation of our livestock industry, both at home and further afield. I recognise that, all too often, their efforts are jeopardised by a minority of farmers who adopt practices — either deliberately or through bad management and ignorance — that encourage the spread of disease. For example, poor on-farm biosecurity is a significant factor in the spread of brucellosis and tuberculosis and is undermining our efforts to get on top of those diseases. That is why I have decided to include in the Bill powers to draw up disease-specific biosecurity guidance, which will be binding on all farmers. I will consult on any proposed biosecurity guidance, and stakeholders will have the opportunity to provide input to it.

I am also creating a new offence of deliberate infection of an animal with disease. Apart from having fraud and welfare implications, such action has the potential to cause the spread of disease to adjacent holdings, requiring animals there to be restricted and subjected to tests. Animals moved from those holdings may also have to be traced and tested. That results in significant additional costs for DARD and places innocent farmers in the position of having their herds restricted due to the unscrupulous actions of others. Even a single case of deliberately infecting an animal is completely unacceptable on welfare and disease grounds.

I am particularly concerned by allegations of deliberate infection of animals with brucellosis in order to obtain compensation. If that is happening, it must be stamped out. I am determined to take action where there is sufficient evidence to warrant prosecution. I hope that that will not be necessary and that the fact that we will have robust powers in place will act as a deterrent to anyone who might be considering deliberately infecting an animal.

Finally, I will draw attention to some other provisions in the Bill. Clause 5 makes it an offence to fail to give a name and an address to an inspector. That power will assist inspectors at ports, for example, in combating illegal or uncertified imports that threaten the disease status of the island. Clause 17 will provide powers to regulate the export of animals, providing an additional safeguard against the illegal movement of animals and products. It will also safeguard the reliability of export consignments from the North and protect the competitiveness of our agrifood sector. Clause 19 will further strengthen the controls at our ports by enabling inspectors to examine personal luggage and packages. At present, we rely on passengers agreeing to those searches, which is unsatisfactory.

I commend the Bill to the Assembly because I believe that it will have a positive impact on the reputation of our agrifood industry at home and abroad. It will enable swift and effective action to be taken to deal with a disease outbreak. It will improve animal-health standards generally and it will help us to deal with the small minority of people whose actions undermine everything that is good and positive about our industry. Go raibh míle maith agat.

The Chairperson of the Committee for Agriculture and Rural Development (Dr W McCrea): I welcome the Speaker of the Assembly back to his post. It is always difficult to offer support to the principle of a Bill at its Second Stage when the Committee has not had the same opportunity as the Department to undertake in-depth consultation and consideration of the matter. That opportunity will only present itself at the Committee Stage, the next stage of the Bill's passage. Therefore, I offer the Committee's views, with a request that the Department notes the reservations that I will mention on the Committee's behalf.

Disease in agricultural animals has the potential to cripple a country, particularly when the agriculture industry makes such a significant contribution to the economy, as is the case in Northern Ireland.

We need cast our minds back only a few years to the devastation that foot-and-mouth disease outbreaks caused, or back just over a decade to the onslaught of BSE and its impact on the industry. Many of the markets that were lost as a result of those outbreaks have never been regained, and that has most certainly contributed to a downward trend in Northern Ireland agriculture. That trend is proving extremely difficult to stop and reverse; indeed, it is only now that we are seeing evidence of some reversal.

I want to express our appreciation of the farming community's fortitude in facing the challenges that have been thrust on it and the manner in which it has faced them. Moreover, we admire its willingness to

work with the Department and the rest of Northern Ireland to conquer those difficulties.

No Member can disagree that it is important to ensure that our industry remain protected from disease. We hear — almost daily, it would appear — about the outbreak of new diseases that threaten our livestock and our industry. Bluetongue is a prime example. It was originally associated with tropical conditions but has now found itself able to survive and develop in less humid conditions, arriving in Sweden only a fortnight ago. It is, therefore, imperative that we remain vigilant and are prepared to counter animal diseases in the most effective and efficient manner possible. That places a burden of responsibility on legislators, and I, therefore, accept the need for the Bill.

The Bill seeks to amend the Diseases of Animals (Northern Ireland) Order 1981. As I mentioned earlier, several major outbreaks of disease have occurred since that Order came into effect. It is appropriate that the Department take this opportunity to bring the 1981 Order up to date.

The Bill introduces three principles, the first being the enhancement of existing disease prevention, biosecurity and control measures. The second involves the creation of new offences, such as deliberately causing infection, and provision for enforcement. The third is the provision of biosecurity guidance. It is difficult to see how anyone in the House would oppose those principles, particularly when we see the Department seeking to enhance existing control measures. The Department has no doubt learnt valuable lessons from the BSE crisis, and, in particular, from the outbreaks of foot-and-mouth disease. I hope that those lessons are incorporated in the legislation — the Committee will certainly scrutinise the Bill's detail to ensure that they are. The Committee also looks forward to seeing and contributing to the proposed biosecurity guidance.

However, there are concerns about the Bill's principles, and those concerns can be alleviated only through close scrutiny of the Bill in Committee. For example, the Committee has been very worried about the powers of entry afforded to departmental officials, particularly after their handling of the alpha-nortestosterone fiasco. Farmers were subjected to public humiliation, as departmental officials, in many cases supported by members of the police, raided farmyards and family homes, claiming all sorts of wrongdoing, only to discover subsequently that those farmers had done nothing wrong at all. In such cases, public apologies offer little solace to farming families.

A mechanism must be put in place that makes the Department bear the cost when it gets it wrong — in that case, it got it woefully wrong. Although the Committee believes that there will be circumstances in which the burden of proof must rest with the accused,

as in the case of deliberate infection of an animal — an act that I totally condemn, as does my Committee — a balance must be struck. The Department must give that appropriate consideration and come up with an appropriate response.

As Members will know, the Department instigated an inquiry into the ANT fiasco and published the Ruddock Report, which the Committee considered in 2007. The Committee genuinely hopes that the lessons that were learned from that fiasco and the recommendations from the Ruddock Review have found their way into the legislation.

If the recommendations have not found their way into the legislation, I hope that the Department will work with the Committee to ensure that they will be introduced. The Minister stated that the new practices will be included in staff guidance. That is unacceptable — those measures should be included in the legislation. Therefore, I will deal with that issue at Committee Stage.

12.30 pm

One of the Bill's main principles is the enhancement of existing disease prevention and control measures. As I previously stated, the Committee does not object to that principle, but clause 3(1) part II of the Diseases of Animals (Northern Ireland) Order 1981 states:

“Without prejudice to any power conferred on it by any other enactment, the Department may, with the approval of the Department of Finance, expend such sums as the Department thinks fit with the object of eradicating ... diseases”.

It is disappointing that the Department did not take the opportunity to obtain approval from the Department of Finance and Personnel for the eradication programme in respect of TB and brucellosis, which are two common and devastating diseases in the agricultural sector that pose serious threats to public health. Every year, the Department spends in excess of £30 million trying to reduce incidences of those diseases. However, despite claims that the Department's attempts have proved successful, we have not seen the benefits of its methodology.

The Committee and the agriculture industry have long called for the Department to be proactive in dealing with those diseases, and I hope that we can work collectively during Committee Stage to establish how disease-control practices can be enhanced.

Finally, I wish to return briefly to the powers-of-entry principle. The proposed amendment provides for the Department to recover fees and expenses — in other words, costs. The Committee will examine that issue closely to ensure that the recovery of costs is not a departmental attempt to introduce the principle of cost sharing — a principle that the Committee opposes.

As I said at the outset, the Committee has reservations and concerns about the Bill and, hopefully,

I have provided some examples of those worries today. However, it wants the industry to be protected against disease, as it is vital to our industry, to the rural economy and to the Northern Ireland economy.

The Committee also wants farmers who comply with all legislation to be protected from the minority who tarnish our proud farming tradition. The Department must ensure that it protects farmers by exercising in a considered, balanced manner the proposed powers bestowed on it by the Bill. Therefore, the Committee will scrutinise the Bill to ensure that the principles are appropriate and that they do what they are intended to do in an appropriate manner.

The Committee for Agriculture and Rural Development looks forward to receiving the Bill at Committee Stage.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. Mr Speaker, I hope you are well after the recess. First, I wish to pay tribute to the Minister and the Department for their swift actions when faced with animal diseases such as foot-and-mouth disease and, more recently, for introducing measures to prevent bluetongue from spreading into Ireland.

New strains of animal disease will threaten our country, and we must improve our legislation to combat them. Officials must have powers that are fit for purpose, especially given the consequences of any disease on our agrifood industry. They must not be powerless or slow to react to an outbreak of disease. As the Chairperson of the Committee said, we all remember the devastating effect that the foot-and-mouth epidemic had on the agriculture and tourism industries.

I will now address a few aspects of the Bill. Clause 1 deals with slaughter to prevent spread of disease. At present, powers exist to slaughter animals that are infected, or suspected of being diseased, or have been in contact with diseased animals. The new provisions of the Bill seek to create a buffer zone when a contagious disease is evident. Nobody wants the destruction of healthy animals that have been bred for generations. However, the Department of Agriculture and Rural Development must have the power to carry out a cull, enabling farmers to contain outbreaks, particularly of fast-spreading diseases, such as foot-and-mouth disease.

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

Clause 4 deals with powers of entry. There is a need to ensure that inspectors can get on to farms quickly during a disease outbreak in order to carry out essential investigations and that powers are available to deal with any stumbling blocks. The current system involves seeking a court injunction, which is a time-consuming process when faced with a disease outbreak. However, we must also respect the human rights of farmers. As the Chairperson of the Committee

said, there was a lot of anger about the way in which the alpha-nortestosterone issue was handled. I hope that lessons have been learned and that safeguards are in place so that events such as that will never happen again. I welcome the Minister's announcement that additional operational and administrative protocols will reinforce safeguards in the Bill. An important qualification is that the powers will not extend to a dwelling house unless 24 hours' prior notice of intended entry is given to the occupier. Clause 4 will be scrutinised carefully by the Committee, along with the stakeholders.

Clause 6 concerns fixed penalties for certain offences. The Committee will have to do a lot of work on this clause — it is not surprising that stakeholders are not jumping for joy about it. The Minister said that she will specify offences that will be appropriate for fixed penalties. The Committee will revisit that issue, and I will not get bogged down in the detail of that now. I concur with the Minister that any breaches in disease-control measures are to be deplored, and cause considerable annoyance in the farming community and the rural community in general. It must be remembered that such breaches cost the community a great deal of money that could be directed towards rural development and initiatives to improve farming communities. Fixed penalties may reduce bureaucracy, but only as long as they are effective and not being dished out like confetti.

There is a fear that farming communities will be hounded by over-zealous officials in pursuit of the payment of fixed penalties for minor offences. I hope that many of those fears will be addressed during the Committee Stage of the Bill. Everyone wants to achieve compliance, and it is in everyone's interests that that can be achieved without fixed penalties or court cases. However, we must not allow a minority of rogue farmers to jeopardise the well-being of our proud agriculture industry. Law-abiding farmers have nothing to fear from such penalties. I look forward to consulting with the stakeholders on those matters.

Clause 11 deals with deliberate infection of animals, which is a very sensitive subject. There is no evidence to imply that deliberate infection of animals has taken place, but there have been allegations from an array of different sources that infection, primarily brucellosis, is being intentionally introduced into herds in order to cause enforced slaughter of the herd and payment of considerable compensation. As the Minister said, LeasCheann Comhairle, that results in major extra costs, and, more disturbingly, blameless farmers are put in the position of having their herds restricted because of the unprincipled actions of others. The Department requires the compulsory legal powers to take disciplinary action, which will put off possible offenders and look after responsible farmers.

I conclude by making it clear again that the honest, hard-working farmers have nothing to fear from the Diseases of Animals Bill. It is the people who are taking shortcuts and cutting corners who will feel the pressure. Those people are jeopardising the whole industry through poor biosecurity, the deliberate infection of animals and other deceitful practices. The Committee for Agriculture and Rural Development, departmental officials and the Minister must co-operate with one another when considering the Bill. We must not play political football with the issue; it is too important to the rural community to get wrong.

There is no point in the Committee being angry with officials when it comes to the issues of brucellosis or TB. It is important that we obtain the necessary powers and legislation to help eradicate those diseases. Our officials cannot operate with one arm tied behind their backs; they need the tools for the job. I call on all Members to support the Bill. Go raibh maith agat.

Mr Elliott: On behalf of the Ulster Unionist Party, I give broad support to the principles of the Diseases of Animals Bill. I hope that some of the areas that it covers will help to improve the existing legislation and prevent disease. The key issue is the prevention of disease, followed by the matter of dealing with those who are trying to manipulate the system.

However, we need to adopt a cautionary approach to some of the areas covered in the Bill, and I look forward to dealing with those at Committee Stage and further afield. What is required is a tightening of the legislation, to make it much more difficult for the very small numbers of those in the agriculture industry whom I call professional criminals. Some of them can still operate at will, while the vast majority of those in the industry, who are serving the industry well and who do everything appropriate, often find that they are burdened by legislation. That is the difficulty.

I appreciate Mr Clarke's remark that honest, hard-working farmers have nothing to fear from the legislation. I am sure that the four people whose properties were raided in the alpha-nortestosterone incident — who are hard-working, honest, decent farmers — also thought that they had nothing to fear from legislation. Unfortunately they were caught in a situation and treated despicably. I do not want to see that happen again. I hope that lessons have been learned, and that those will be reflected in the Bill.

The new powers of entry provided for in the proposals give me cause for concern, and at the Committee Stage I will be asking that those provisions be examined. On the issue of deliberate infection, I totally support the idea that farmers who deliberately infect an animal or herd must be made amenable for it.

I have huge concerns about the fixed-penalty process, as it could be misused by the Department. I

am sure that Members are all aware of many cases in which farmers have been brought to court by the Department and subsequently found not guilty of the offence with which they were charged. The fixed-penalty process may provide an easy solution for the Department. Farmers may be faced with the choice of paying a fixed penalty or going to court, and some of those farmers, who may be innocent, will be forced to choose between paying what may be a meagre fixed penalty and taking the risk of going to court, and possibly facing a great financial burden.

Those are just some of the areas that I have concerns about, and we will labour those points much more deeply at the Committee Stage, and further in the Chamber. I suppose that, as a farmer, I should have declared an interest, just in case I myself end up subject to the legislation, but I look forward to discussing it further.

Mr P J Bradley: I thank the Minister for her presentation this morning. I accept that there is a need for a Bill, but at the same time it is to be regretted that there is such a need, because of the unscrupulous people that are out there. The Chairperson of the Committee adequately explained that quite a lot of the Bill will be challenged. We in the Committee will be fine-combing it to see how it can be improved. The Deputy Chairperson of the Committee also outlined his concerns.

I have just one small point to make on the issue of fixed-penalty notices, on which Tom Elliott has already commented. I am concerned at the wording:

“Where an inspector finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed a fixed penalty offence, the inspector may give that person a fixed penalty notice in respect of that offence.”

Members have heard about the debacle during the alpha-nortestosterone situation. I want to bring people's minds back to that occasion; indeed, it is fresh in the minds of people in Markethill, Belleek, Crossmaglen and Annaclone — the different areas where farms were raided. One inspector took great pride in telling farmers that they had been caught red-handed and were guilty. That was his joy; it made his morning to say that to farmers, and they took deep offence at it. If that man had been in a position to issue a fixed-penalty notice he would have done so. For that reason, I will propose at the Committee that the legislation should prescribe that fixed-penalty notices must be issued jointly by at least two inspectors. Otherwise, penalties will depend on the whim of one inspector, who may not like certain farmers or may have particular grievances — the issue is too serious for that. The issuing of a fixed penalty by two inspectors provides an assurance to the industry that the appropriate action has been taken.

The Members who spoke have covered the other issues that the Bill raises, so there is no point in me

repeating them. One inspector issuing a fixed-penalty notice is unacceptable.

12.45 pm

Mr Bresland: I welcome the opportunity to debate the Diseases of Animals Bill. To obtain a sustainable livestock industry in Northern Ireland, it is vital that we ensure the highest possible levels of animal health and, in turn, offer consumers healthy and wholesome food.

Over the past 10 to 15 years, livestock farmers in Northern Ireland have faced numerous challenges, many of which are due to the impact of disease in the industry. BSE crippled our beef industry and left many farmers facing economic ruin. Foot-and-mouth disease has also had a serious impact on the farming industry, and bluetongue and avian flu continue to pose a threat. Livestock farmers are constantly battling a host of animal diseases, including bovine tuberculosis and brucellosis, which we have failed to eradicate from cattle herds in Northern Ireland. All those diseases have the potential to seriously impact on the farming community and on the provision of quality food to consumers.

I have concerns about the powers of entry as listed in clause 4 — many farmers have experienced the heavy hand of DARD. Although it may be, on occasion, vital to animal welfare that DARD inspectors gain immediate admission to farms, there is also a need for DARD inspectors and officials to work positively with the farming community. Farmers are equally committed to the eradication of the disease as it impacts on the welfare of their animals and, therefore, their incomes.

Clause 15 deals with regulations on the movement of animals. I urge DARD to speed up the process of the removal of diseased animals, especially cattle that have been diagnosed as having tuberculosis and brucellosis. Leaving such cattle on farms increases the chance that the disease will spread. It is vital that our livestock industry is protected from disease and the spread of disease.

Although I have concerns about the powers of entry, the Bill will help to increase biosecurity and improve animal welfare.

Mr Doherty: Go raibh maith agat, a LeasCheann Comhairle. I welcome the Second Stage of the Bill. The Assembly and the Committee for Agriculture and Rural Development are always mindful of anything that poses a threat to our agriculture industry, and there is nothing more threatening to the industry than animal disease. Therefore, any fair measures, such as those contained in the Bill, are welcome. When dealing with issues of animal disease, we must always be mindful of how they may affect human health, directly or via the food chain. I look forward to discussing the detail of the Bill as it moves through its Committee Stage.

Mr Poots: I declare an interest, which is probably diminishing.

Often the implementation of a Bill, rather than the Bill itself, can be the problem. The Assembly wants the implementation of the Bill to be proportionate and measured. I refer to the implementation of measures that were introduced to deal with the outbreak of bovine spongiform encephalopathy. I said that to show off.

Mr Hamilton: Is that Irish?

Mr Poots: It is very much English. The measures that were introduced to deal with BSE were neither proportionate nor measured when compared with those for other animal diseases. Twelve years after its introduction, the over-30-months scheme, which treats animals differently when they are aged 30 months — even one day over 30 months — is still in place. There is no scientific reason for it; therefore I want the Minister to deal with the idea that an animal aged 30 months and one day is somehow more liable to have BSE. All the scientific evidence that has been gathered during the past several years demonstrates that many young cattle go into the food chain without there being any BSE in the system. Meat plants and supermarkets should not be able to introduce wholly unnecessary cuts in the value of such animals.

It would also be proportionate and measured to have badger culls in areas where there is a significant outbreak of disease. Not only would it be good for the bovine population but also for the badger population, because it would eradicate the spread of disease among badgers as well as among cattle. The Minister must take the lead on that issue and stop running away from it.

Those who introduce disease to animals deliberately must not be allowed to keep animals — full stop; such people must be banned from keeping animals, just as people who mistreat animals are banned from keeping them. People who have mistreated animals are taken to court again and again, yet it is known that such people continue to keep animals. That must be dealt with decisively.

The creation of an animal-health industry in the Department, whereby new work is found for civil servants when a disease has been brought under control, is not needed. If there is no work to be done, new jobs should not be created for civil servants. During the 1990s, when the authorities managed to get on top of brucellosis, they dropped the ball by allowing the introduction of animals from the Irish Republic where brucellosis had not been dealt with adequately. Testing for maedi-visna in sheep was introduced. Most Members have probably never heard of maedi-visna; however, apparently, at one stage, there was a risk of the disease in Northern Ireland. A testing regime for maedi-visna in the sheep population was introduced, but never came to anything. When the spread of

brucellosis took off again, maedi-visna was dropped like a hot potato. It was never a threat, and regular tests for it should not have been conducted.

I have much sympathy with previous Members' comments on fixed penalties; for example, a fixed penalty on duplicate fields is in place. I trust that the outcome of the court hearing in the test case that the Ulster Farmers' Union has taken on behalf of two individuals, and Mr Justice Weatherup's ruling on the issue, will be that the fixed penalty that has been imposed on many farmers throughout the Province will be done away with and that those farmers will receive the payments that are due to them. Again, the Assembly seeks the Minister's leadership on the issue. Farmers must not continue to be punished needlessly because of the duplicate fields issue.

Finally, I ask the Minister to join me in congratulating her officials and the PSNI who have received the award for the good work to which she referred.

Mr Savage: I also declare an interest.

In principle, I support the Diseases of Animals Bill. Its primary purpose is to update and strengthen the powers of the Department of Agriculture and Rural Development that are contained in the Diseases of Animals (Northern Ireland) Order 1981. Public consultation on the Bill was held between May and June 2004, and that consultation highlighted broad support in the industry for measures to control and prevent the introduction of disease.

The new powers set out in the Bill will enable the Department to deal quickly and effectively with the outbreak of any disease and will reflect current and future developments in research and technology in tracing and combating disease. The Bill also includes powers to identify genetic susceptibility to transmissible spongiform encephalopathies in livestock. Furthermore, the Bill will strengthen DARD's powers to enter farms for the purposes of surveillance, vaccination, serology and slaughter.

However, there must be greater consultation between farmers and the Department when problems arise. Sometimes in such cases, the Department washes its hands of the whole thing — even where it is at fault — and blames the farmer. Greater trust must be built between farmers and the Department.

I support the Bill in principle: however, the devil is in the detail, and I have several reservations about it. I look forward to raising those issues in the Committee for Agriculture and Rural Development. I am confident that we can amend the Bill to the satisfaction of farmers and the Department.

Mr Shannon: The Minister's statement is welcome: however, some of the issues referred to in the statement are of concern to those Members who represent rural

constituencies. The need to control animal diseases — blue-ear disease, bluetongue or avian flu, to which Members have referred — is paramount.

The Minister's statement implies that there is a need for co-ordination and co-operation between many bodies, including: port authorities; the Department of Agriculture and Rural Development; the Veterinary Service; and HM Revenue and Customs on the border. It is important that the Minister assures us that that co-ordination and co-operation will continue and be strengthened. The pig and poultry industries have suffered demise in many constituencies across the Province, particularly my own. The farmers who remain need to be assured that controls at our land and sea borders will continue to ensure that disease is kept out of the Province — our economy and many jobs depend on that. It is essential that the high quality products that our agriculture industry provides daily can continue to be sold at home and overseas.

Will the Minister confirm that controls at our land and sea borders will be strengthened and will ensure that animal disease will not creep into the Province?

The Minister of Agriculture and Rural Development: Go raibh maith agat, a LeasCheann Comhairle. I am grateful to Members for their contributions to the debate: they have all been valuable and informative. I now respond to some of the issues raised. I will be unable to respond to some of them this morning, however, I will read Hansard carefully and, where appropriate, I will write to individual Members.

Many issues received thorough discussion. On taking office last year, I was greatly concerned about the handling of alpha-nortestosterone.

Resentment over those cases arose mainly from searches of dwelling houses. In the Diseases of Animals Bill, powers of entry relate to the authorisation of entry to farmland for the purposes of testing, vaccination, identification and slaughter. Rather than introduce new powers relating to the entry of dwelling houses, the Bill will, in fact, place additional controls on DARD staff. I am saying that to reassure those Members who raised the issue.

1.00 pm

The Diseases of Animals (Northern Ireland) Order 1981 permits staff to enter any building or place, including dwelling houses, without notice for the purposes of disease control. However, the Order does not distinguish between outhouses, cattle houses or farmers' dwelling houses. The Bill will distinguish between those places. In addition, on the rare occasion that a dwelling house search is required, a warrant will be needed if no notice is given. In any case, certain specified conditions will need to be met. I hope that that provides some reassurance to Members.

The issue of alpha-nortestosterone has already been debated fairly extensively. However, I fully accept that inspectors exercising statutory powers under any legislation must do so under certain conditions and be subject to appropriate controls and limitations. Valuable lessons have been learned from the alpha-nortestosterone issue. The Ruddock Review was very good, and the Department has already put in place practices and controls based on its recommendations. The Department has learned valuable lessons from the alpha-nortestosterone issue and wants to avoid those types of situations happening again.

Specific safeguards have already been included in the Bill to cover the manner in which powers of entry are exercised. Details now included in staff instructions and protocols cover detailed instructions on communication with farmers and the appointment of a search liaison officer. Joan Ruddock recommended that sort of detail as best practice, but it is not appropriate for inclusion in the Bill. Dr McCrea, the Chairman of the Committee for Agriculture and Rural Development, raised that issue.

Dr McCrea also raised the issue of cost sharing and responsibility. Cost sharing is a separate issue and is independent from the Diseases of Animals Bill. The powers that the Department is seeking were recommended by the departmental solicitor in order to clarify business activities for which fees or charges may apply. The issue will be discussed in detail at Committee Stage. The Department of Finance and Personnel has a policy of full cost recovery for certificates, licences, etc, that are issued by Government Departments.

The Bill does not introduce powers to establish responsibility-sharing bodies or powers to raise any sort of levy to fund animal disease control. I hope that that reassures the Chairman.

The Chairman also raised the issue of tuberculosis and brucellosis. The Bill does not specifically address the eradication of either; however, it will introduce powers to help address issues associated with the diseases, such as combating deliberate infection and introducing biosecurity guidance, which will require farmers to take reasonable steps to protect themselves and, ultimately, their neighbours from infection.

I agree with the Committee that we need to work hard to eradicate those diseases, and my officials are working closely with the industry to develop approaches that are appropriate to our circumstances. I point to the good work carried out this year to set up liaison committees to take advice and guidance from farmers affected by, primarily, brucellosis. The Department wants to listen to the people at the frontline; we want to take advice and to work in partnership with them. The Chairman mentioned partnership, co-operation and working together — and it is that ethos that the

Department has been adopting to achieve the best outcome for the farming community. Of course, the Department will be engaging further with the Committee as it develops its approach.

Many Members raised issues about fixed penalties. Farmers can decide whether to opt for a fixed penalty as a means of avoiding court action. That is entirely their decision. I appreciate that the application of fixed penalties is a new idea as regards animal health and welfare legislation, but it is already a well-established practice for other Departments and enforcement agencies. Fixed penalty notices are equally applicable to animal health and welfare and should be welcomed as being a more straightforward approach than reliance on the courts in all cases.

Willie Clarke queried DARD inspectors' adoption of an over-enthusiastic approach of imposing penalties for minor offences which might previously have been dealt with informally. I assure the House that fixed-penalty notices will be handed out sparingly, and will be used only when the need arises. Clear guidance and training for DARD staff will be provided to ensure that the application of the scheme is accurate, fair and consistent.

The Department's purpose is to achieve compliance, and if it can do that without having to impose a financial penalty, then so much the better for all concerned. Persistent offenders, however, must be aware that they will be liable to receive a fixed-penalty notice.

Tom Elliott spoke about fixed penalties, and the financial burden on farmers. My work in this Department over the past 18 months has shown that I have a great deal of sympathy for, and empathy with, farmers. I want, at all costs and at all times, to avoid placing a financial burden on farmers. I have striven, for everyone's sake, to work in partnership, with a better, co-operative, approach between the farming industry and the Department. The Department does not want to impose additional financial burdens on farmers; rather, it wants to alleviate burdens — financial and otherwise — on our farmers, who are the backbone of our rural community and of our economy.

Among other issues, Mr Poots asked questions about BSE testing. Testing and surveillance for BSE is determined at EU level. I understand that the European Commission is currently revising its BSE surveillance and testing requirements. The Commission is likely to suggest changes to the regime over the coming months. The changes expected at EU level will not be dependent on the implementation of the Diseases of Animals Bill. That will mean less of a burden on our farming community.

Mr Poots mentioned maedi-visna testing, which is always carried out by DARD as the result of a veterinary risk assessment. I do not have the full details of these

tests, but I shall write to the Member with an explanation.

Mr Savage raised the problem of duplicate field claims. Powers to deal with that issue are held by Europe, and the fines imposed on duplicate fields are dealt with under European legislation. I recognise and accept that there is much frustration surrounding that issue. I would like a better system to be applied. I do not feel that the laws that have been laid down are always proportionate. The Department wants to get it right and reduce that burden.

Jim Shannon asked about the departmental controls on animal export and entry. There is a genuine threat of the introduction of animal disease to the island of Ireland, and, since many food items present a risk to public health, there is a risk of illness to members of the general public. Although we can never be 100% certain that no disease will enter, and there will always be an element of risk, we must do all that we can to reduce that level of risk from illegally imported meat and other products. The new enforcement powers will clearly strengthen our hand; however, other measures can help, such as improving publicity announcements to travellers about import rules, and working closely with other agencies to ensure that we get it right.

A LeasCheann Comhairle, the debate has been useful and the Committee will take its time to scrutinise all of the clauses in the Bill. I thank Members for their contributions to the debate on the Diseases of Animals Bill and for the questions and issues that they have raised. I am confident that the powers in the Bill will help to protect and improve our animal-health status through enhanced disease prevention, biosecurity and enforcement measures.

The availability of powers to deal quickly and effectively with a disease outbreak will also minimise the impact on the agrifood industry, and protect our vital export markets. My officials and I look forward to working closely with the Committee for Agriculture and Rural Development as it begins its detailed scrutiny of the Bill. I have no doubt that that will prove to be very valuable. Go raibh míle maith agat.

Question put and agreed to.

Resolved:

That the Second Stage of the Diseases of Animals Bill [NIA 22/07] be agreed.

EXECUTIVE COMMITTEE BUSINESS

Presumption of Death Bill

Second Stage

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

That the Second Stage of the Presumption of Death Bill [NIA 23/07] be agreed.

The Presumption of Death Bill confers a new statutory jurisdiction on the High Court to make declarations in respect of missing persons. Its purpose is to provide a comprehensive procedure for declaring that a missing person may be presumed to be dead. As a consequence of such a declaration, the Registrar General will then be authorised to enter the details of that missing person in a new register of presumed deaths.

The effect in law of the High Court declaration and the entering of details in that new register will be as though the missing person has died and his or her death registered in the usual way under the Births and Deaths Registration Order (Northern Ireland) 1976. The Bill is modelled on the Presumption of Death (Scotland) Act 1977, which has been operating for 30 years. I hope that that reassures us that we are putting in place a piece of legislation that is workable, sensible and proportionate to the task with which it must meet.

A draft of the Presumption of Death Bill was published in January of this year for public consultation. There was, I have to say, a disappointingly small number of responses to that consultation, although the seven organisations and individuals who provided written responses supported the main proposals in the Bill. In addition to the written consultation, officials met with some of the families of the disappeared and with the Association of British Insurers.

Since my Department embarked on the preparation of a draft Bill for consultation, it has become even clearer that the phenomenon of missing persons, and the legal issues that their disappearance generates, is not unique to this jurisdiction and that the existing legal framework for addressing those needs is often inadequate.

At an international level, the Council of Europe's Committee of Ministers has mandated the committee of experts in family law to draw up proposals for a new legal instrument to address the issues surrounding missing persons. Closer to home, in the Irish Republic the Law Reform Commission of Ireland recently announced an investigation into the legal issues surrounding missing persons.

By and large, the Bill deals with reserved matters, and I have had to obtain the Secretary of State's

consent to its consideration by the Assembly. Given that, some might say that it should be the responsibility of the Northern Ireland Office to take the Bill through Westminster through the Order in Council process, or even by public Bill. However, I am pleased to say that it was agreed last year that the legislation should be progressed through this Assembly, given that the issues that the Bill seeks to address are matters of deep concern, not only to Members of the Assembly, but to the people of Northern Ireland. It is right that the Assembly has taken the lead in addressing those sensitive issues.

Before commenting on the provisions of the Bill and how it is intended to operate, I will set out in some detail those whom the Bill is intended to benefit. All of us in the Assembly are aware of the continuing legacy of the Troubles for our constituents. For one group in particular, the families of those known as the disappeared, the pain of losing a family member has been compounded by the fact that the location of the bodies remains unknown, except by those who abducted and murdered them.

A number of years ago, some of those families approached Ministers to see what more could be done to help them. They sought in particular measures to be put in place that would enable them to have the deaths registered and certificates made available to them. Over time, there had been a growing acceptance that no more bodies would be recovered. In those circumstances, obtaining official recognition of the death of the disappeared would at least provide some measure of closure for the families. It is from those initial approaches to Ministers that the present Bill owes its origins. I hope that the families of the disappeared who choose to avail themselves of the new law will find it of some consolation.

In recent months, we have all heard the media reports of fresh information that may yet lead to the remains of some of the disappeared being found by the Independent Commission for the Location of Victims' Remains. I am sure that we all wish to convey our support for the continuing efforts of the commission and the authorities, and the valuable work that they carry out. We urge those with any information to make it available to the authorities.

In considering the mechanisms available to enable the families of the disappeared to obtain death certificates, it became clear that there was a wider group of families for whom similar issues arise.

Every year, thousands of people are reported to the police as missing. The vast majority of those people are children who are absent from care for a short period, or others who turn up safe and well after a day or two.

However, there is a small number of people who go missing and whose fate remains unknown. There will be a high degree of certainty that some of them have died even though no bodies are found, or it may be that an individual simply leaves home without warning or explanation and is never heard from again. Once on the statute book, this legislation will be available to assist in all future instances when a person might disappear.

1.15 pm

At the heart of the Bill are clauses 1 and 2. Under those provisions, the High Court in Northern Ireland will be able to make a declaration that a missing person may be presumed dead from a certain date. Any person will be able to apply to the High Court for a declaration in one of two circumstances: when there is evidence that the missing person is thought to have died; or when the application is founded on the basis that a missing person has not been known to be alive for a period of at least seven years prior to the date of the application.

Before making a declaration, the High Court must be satisfied that the missing person has died or has not been known to be alive for at least seven years. In order for the High Court to have jurisdiction to hear an application, the Bill requires that the missing person had been "domiciled" or "habitually resident" in Northern Ireland prior to the date on which he or she was last known to be alive.

The existence of a close connection with Northern Ireland, expressed through the terms "domiciled" and "habitually resident", justifies the High Court having jurisdiction to rule on any particular case that comes before it. That means that the High Court can deal with the case of a missing person who is domiciled in Northern Ireland even if that person disappeared abroad.

However, that also means that the High Court will not necessarily have jurisdiction in every case in which a person disappears, having last been known to be alive in Northern Ireland. If a person was domiciled in Spain, for instance, it would be more appropriate for the Spanish authorities to deal with the case.

As an exception to the general jurisdictional rule focusing on the domicile or habitual residence of the missing person, clause 1 provides that the High Court may also have jurisdiction if the applicant is the spouse or civil partner of the missing person and if that person is domiciled or habitually resident in Northern Ireland. That special rule for those applicants recognises the unique relationship that they have with a particular missing person, and that a spouse or civil partner is not free to remarry or enter into a civil partnership until a declaration of presumed death has been obtained. Although it is likely that most applications will be made by family members of the missing person, the

legislation would permit an application from a creditor or any person with an interest in the property of the missing person.

Once a declaration of presumed death has been made, the High Court will provide the Registrar General for Northern Ireland with the details of the missing person. Those details will be entered into a register of presumed deaths, which will be established and maintained by the Registrar General in accordance with clause 14 of and schedule 1 to the Bill.

Registration regulations made by the Department of Finance and Personnel will supplement the provisions of schedule 1, specifically by prescribing the particulars to be entered in the new register. As is the case with other registers that are maintained by the Registrar General for Northern Ireland, fees will be payable for the examination of entries, certified copies of an entry and the furnishing of information from the register.

At the time of making the declaration, the High Court will also have ancillary powers to make orders and determinations with respect to the person's domicile, or ownership of property in which the missing person has an interest. I do not expect that those ancillary powers that are provided for in clause 4, or the High Court's other powers to make property variation orders in clause 6, will be very often used. In Scotland, the comparable legislation has rarely given rise to such ancillary orders.

In formulating the terms of the Bill, the Department of Finance and Personnel has carefully considered what should be the legal effect of a declaration of presumed death. As Members will know, the consultation paper of January 2008 highlighted the issue of whether a declaration should automatically end the marriage or civil partnership of the surviving person. No one has suggested to the Department that an exception should be provided to the general rule for subsisting marriages. The legislation is, therefore, explicit in providing that the making of a declaration of presumed death ends any marriage or civil partnership to which the missing person was a party.

The general effect of clause 3 is that the declaration of presumed death, in so far as it is conclusive of the matters contained in it, shall be effective against any person and for all purposes.

That means that, in law, the presumed death of the missing person will be treated, or regarded in the same way as, a death that has been medically certified and registered in accordance with the normal death registration requirements as set out in the Births and Deaths Registration (Northern Ireland) Order 1976.

Given the recent media coverage of the Darwin case — the previously missing canoeist — Members will be understandably concerned about the possibility of fraud. It would be foolish to claim that it will never be

possible for anyone to obtain fraudulently a declaration of presumed death for a person, thereby gaining financial benefit either solely for the applicant or for the applicant and the missing person.

However, I am satisfied that, by conferring the declaratory jurisdiction on the High Court, there will be a thorough examination of the applicant's affidavit evidence, and, if necessary, the High Court can request further evidence or call witnesses. I am considering the introduction of a new provision to the Bill to empower the High Court to order a third person to disclose information to assist it in deciding whether to grant a declaration of presumed death. That new power would reduce further the scope for a person who is alive to be declared dead.

Clause 10 provides for "any person" to be able to intervene in proceedings and perhaps argue against the making of a declaration. In clause 9, the Attorney General's right to intervene is a further important safeguard against the possibility of declarations being obtained in circumstances in which, based solely on the affidavit evidence supplied by the applicant, it may not be appropriate.

If a declaration has been obtained fraudulently or there has simply been a mistake in presuming a person to be dead, the Bill allows the High Court to revoke the declaration. I doubt that that power will be exercised frequently. During the 30 years of the operation of the Presumption of Death (Scotland) Act 1977, Scottish officials can recall only one instance in which a declaration of presumed death was revoked. In revoking or varying a declaration, the High Court will be able to make orders that, as far as is reasonable, return to the missing person any property or assets that may have been distributed on foot of the presumption of his or her death. Those provisions also facilitate the repayment of any capital sums paid out by an insurer or any other body — for example, pension trustees who provide benefits on the death of a person.

The extent to which the Bill establishes a new statutory jurisdiction and creates new procedures is evidenced by how little it affects the existing law. Current law enables the High Court, on application by a spouse or civil partner, to dissolve a marriage or civil partnership on the grounds of the presumed death of the other spouse or civil partner. Those provisions in the Matrimonial Causes (Northern Ireland) Order 1978 and the Civil Partnership Act 2004 are rarely used and are repealed by clause 13. The other repeals and consequential amendments in clause 18 and schedules 2 and 3 are consequential on the main repeal of current dissolution statutory provisions.

Let me be clear about the limitations of the Bill: new legislation cannot help to locate the remains of the disappeared; it cannot turn back the clock or erase the

fact that those individuals were abducted and murdered; it cannot compensate for the anxiety, fear and grief that the families of the disappeared, and, indeed, the families of any person who goes missing, endure daily. The short Bill simply provides the structure within which decisions can be made and arrangements put in place that allow, as a first step, an authoritative judicial ruling that the person concerned may be regarded as dead and a death certificate made available to the family.

The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin): Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for outlining the general principles of the Bill in such detail, and I welcome today's debate. Over the past year, the Committee engaged closely with the Department on the development of the Bill. On 12 September 2007, the Committee received oral and written briefings from departmental officials on the background to the Bill.

As we have heard, the Bill's purpose is to provide a legal framework that will address the needs of the many families of those who go missing, including, unfortunately, the families of the disappeared. I reiterate the Minister's call for information that would lead to the recovery of remains, which would bring that aspect of the ongoing agony of the families to an end. I strongly support the Minister's call. Several thousand people each year are reported to the PSNI and other authorities as being missing. Many cases are resolved quickly, but, towards the end of 2007 some 68 people were registered with the PSNI as being missing over the longer term.

At the initial briefing, Committee members raised several issues with the Department, including whether someone who had previously been missing could claim their property back if it had been sold on and had passed through several hands in the meantime. The Committee also raised the delay in introducing legislation here, given that the provisions have existed in Scotland since 1978. We also mentioned how potential conflicts of interest between family members over the issuing of death certificates might be handled. Finally, the Department's views on the prevention of fraud were taken. The Minister referred to those issues in his statement.

The Committee also pursued with the Department issues around the placing of advertisements in newspapers following the making of a declaration of presumed death. We discussed where those advertisements would be published and whether details of a missing person would be removed from the missing persons' database following the making of a declaration of presumed death.

On 21 May 2008, Committee members received clarification from the Department on all of those issues along with a further update on the progress of the Bill. That update also included briefing members on the outcome of the consultation that was undertaken by the Department between 23 January and 15 April. The Minister also addressed that today in his statement.

More recently, on 10 September, the Committee received a helpful briefing by Assembly Research and Library Service on the detail of the provisions of the Bill.

The Committee recognises that, in general terms, the changes that the Bill will introduce will be welcomed by the public. However, members noted from the report on the consultation that at least two important issues may not have been fully addressed, which the Committee will wish to pursue. I welcome the fact that the Minister's statement addressed both of those issues. First, the Bill as it had been drafted did not include provision that would ensure disclosure of information relevant to the presumed death of a missing person by a third party, including Government bodies. Such provision would help the court to make a decision on the declaration of presumed death. I welcome the Minister's indication that that issue is to be addressed.

Secondly, as the Minister set out, further refinement of the details on insurance provisions is needed. It is quite obvious that when capital sums are paid out by an insurer, either by way of annuities or other periodic payments, it may be difficult for people to raise the amount of any premiums payable for indemnity insurance. The Committee also pointed out that unless there is conclusive evidence that the missing person were dead, premiums could be prohibitively expensive.

The Department has advised that work is ongoing on amendments relating to those issues, and we look forward to working with the Department in considering the outcome of that work.

Overall, the Committee is satisfied with the briefing and the clarification that the Department has provided to date. During the Committee Stage, members will engage with DFP officials and other stakeholders on the detailed provisions in the Bill. As part of its scrutiny of the Bill, the Committee will carefully consider the evidence received from stakeholders, with the aim of ensuring that the Bill provides a robust mechanism for meeting the needs of the families of those from our community who are missing.

At its meeting on 10 September, the Committee reviewed its heavy workload for the current session and agreed to give priority to the consideration of the Bill. As regards the principles of the Bill, as set out by the Minister, I support the motion on behalf of the Committee for Finance and Personnel.

Mr Hamilton: I support the Presumption of Death Bill. Because of the Bill's primary focus on the disappeared, few pieces of legislation will pass through the House that will have such widespread support or widespread sympathy for its underlying principles.

1.30 pm

The hideous crimes committed against the disappeared have caused years of anguish and distress for the victims' families. The awful violence, the absence of a body and the lies and deceit added to those families' injury and suffering. No measure will ease the pain of the families of the disappeared or bring an adequate sense of closure, especially for those families in which — despite many people's best efforts — a body has never been recovered and there is little prospect of finding remains. I echo the Minister's comments: in order to create a sense of closure for those families, anyone with information that could help retrieve the remains of the disappeared should come forward forthwith to assist the authorities.

During consultations, the Church of Ireland — among others — said that, although nothing can be done to ease the families' pain, practical steps can be taken to alleviate some of the remaining problems. It is because some of the families have submitted suggestions on how that could be done that this Bill is before us today.

Northern Ireland's legal framework was not designed to deal with situations such as the disappeared; this is a unique set of circumstances. Under Northern Ireland law, a person's death cannot be registered without a body or a coroner's certificate. In the case of the disappeared, this poses many real problems which must be resolved for a host of practical reasons to do with estates and so forth, as well as because of the need to bring closure. Although the Bill focuses mainly on the disappeared, changing the law will allow the deaths of other missing persons in Northern Ireland to be registered, whether they are presumed to have died at the time of their disappearance or on a subsequent date. During the Committee's work, I was staggered to discover that approximately 5,000 people are reported missing in Northern Ireland every year. Although the majority reappear, some, unfortunately, do not, and it is important to have legislation to address that situation.

I trust that the passage of the Presumption of Death Bill through the House will provide some deserved closure and comfort to the families of the disappeared, and to others as well.

Mr Beggs: On behalf of the Ulster Unionist Party, I welcome the Second Stage of the Presumption of Death Bill.

The modern history of Northern Ireland is, unfortunately, filled with tragedy for individuals and

families. The fate of the disappeared is one of the most harrowing aspects of the Troubles. Individuals were abducted and murdered by terrorist groups, and their bodies have never been found.

The Independent Commission for the Location of Victims' Remains has conducted useful work. Unfortunately, nine families are still suffering because their loved ones' remains have never been discovered. The Bill originally intended to bring closure for those families by establishing a procedure to register the deaths of individuals whose remains cannot be found. That measure will assist families in that tragic situation and, therefore, must be supported.

I welcome the fact that the Department has broadened the terms of the Bill to create a comprehensive piece of legislation that will not only address those families' needs for a death certificate but introduce a procedure to address the cases of other missing persons who are presumed to have died.

As the Minister indicated, the Bill is modelled on the Presumption of Death (Scotland) Act 1977, which was enacted over 30 years ago.

That highlights that that type of legislation was needed, and was brought into effect, in other parts of the United Kingdom a considerable time ago. An equal need exists in Northern Ireland. The fact that a working model exists elsewhere should reassure us that it is possible to get the legislation right. We must carefully scrutinise what is being proposed, particularly if the Bill deviates in any way from the working Scottish model.

Close examination of the clauses that deal with a missing person's property and estate on the registration of death will be required, not to mention examination of the potential consequences of revoking that registration. However, those are technical matters that can be resolved in Committee and at other later legislative Stages.

A balance is needed to enable families to have closure, yet mechanisms are needed to minimise the risk of fraud, such as the recent case in England when an individual appeared to have taken his life but had in fact moved to Central America, thus enabling his spouse to draw down life insurance. The required balance is a tricky area that will need close scrutiny at Committee Stage.

In conclusion, I give a general welcome to the Bill and thank the Minister for bringing it to the House. I look forward to working with my Committee colleagues and the Department to scrutinise it further and to make any necessary improvements to it.

Mr O'Loan: Some of us may feel that the Presumption of Death Bill is an appropriate first action for the Assembly to take in this session. Given the level of

Assembly inactivity in recent times, many people have decided that it is a fair conclusion to presume that the Assembly has died. Many of us wonder whether the Assembly is capable of being resuscitated, but we will watch for that in the coming days.

I will leave the levity aside with that remark, because this is an important and serious matter, and I am clear that the Bill's principles are what we are discussing. The Bill primary purpose is to confer on the High Court the power to issue a declaration that a missing person will be presumed to have died in either of the two circumstances that have been referred to — either that evidence exists that the person is likely to have died or that the person has not been known to be alive for at least seven years. Such a declaration would have the equivalent effect of registering a death, and I support that principle.

At the outset, as others did, I note that the Bill's origins relate to the disappeared. The Bill will, of course, deal with all cases of presumed death, but a primary motivation is the deaths of those who have become known as "the disappeared". They are people who were murdered by various paramilitary groups — mainly the IRA — and whose remains have not been discovered. It remains a shame and a scandal that that is so. There is a heavy moral responsibility on anyone with information about those remains to come forward. That responsibility sits heavily on persons in the Assembly, who either have such knowledge or know where it rests.

Those murders were actions that were grievously wrong in the first place. At the very least, the families of the disappeared are entitled to see their relatives' remains recovered so that they might provide them with a proper burial. Nine families remain in that situation, and the Presumption of Death Bill highlights a continuing situation that should not exist.

In the absence of that proper closure, some of those families have said that they want to be able to register the death of their family member. That is not possible under current law without the existence of a body — hence the current Bill, which will also serve other unfortunate cases.

As the Minister told us, the Bill is modelled on the Presumption of Death (Scotland) Act 1977. That Act appears to have functioned well and to have proved necessary.

Under our current law, a body must be present in order to register a death. In Scotland, we are told that there have been some 30 cases since 2000, which, pro rata, would mean that there would typically be one case a year here. The Bill allows anyone who has "sufficient interest" to apply to, and be heard by, the court — particularly a spouse, civil partner or close relative, and that seems sound.

I wish to raise one major concern. Unlike the Act in Scotland, the Bill places no duty of disclosure on Government bodies or agencies of information that relates to whether the missing person might be presumed dead. That is a serious and erroneous omission. It is essential that there should be such an obligation, and it should apply in particular to the police, Army and security services. The Minister may wish to respond to that point, and I shall certainly bring it to the Committee's attention for further consideration.

I want to know what law exists in England and Wales, including on the matter of disclosure. The explanatory memorandum states that the Bill is:

"compatible with the Human Rights Act 1998."

I want to know whether the Human Rights Commission has, or will be, consulted about disclosure in particular and the Bill as a whole. I regard that as essential.

The explanatory memorandum also mentions the seven-year rule, and I note that that could be altered by statutory instrument, requiring affirmative resolution. I mention that because the explanatory memorandum states that there is some discussion internationally about whether seven years is an appropriate period of time for a person to be missing and presumed dead. There have been situations, including the 2004 tsunami, whereby seven years has been perceived to be too long. The Committee should consider whether the seven-year period should be reduced. I take no fixed view — however, a case can be made for that opinion, and we ought to discuss it.

Although I have expressed a serious caveat about disclosure, and the Committee should seriously consider the seven-year period, I strongly support the principles of the Bill.

Mr Lunn: The Alliance Party's usual spokesperson on these matters is Dr Farry. However, he has been called away. Therefore, it falls to me to express the party's support for the Bill.

This is an important piece of legislation, which deals with a most sensitive matter, and I agree with all Members about general sympathy with the families of the disappeared, for whom the Bill may provide a means with which to bring one aspect of closure. Sadly, the fate of those missing individuals has been known for some time, but it has not been possible to issue death certificates. One cannot stress enough the fact that this legislation addresses only one aspect of closure. As other Members have said, it is critical that information is forthcoming to allow the disappeared's remains to be found in order that they might receive a Christian burial.

The Alliance Party generally welcomes this legislation, which represents a modernisation of the law. Normally, that is no bad thing, and it will bring us

into line with other jurisdictions. It is reassuring that we are relying on the Scottish model, which has been tried and tested for more than 30 years.

Sadly, when people disappear, there are sometimes circumstances in which there appears to be little prospect that they are alive. In some appalling circumstances, such as following a natural disaster, a major tragedy or a terrorist act, it is simply not possible to recover remains, and there may be considerable evidence to suggest that someone has been caught up in those events. In such situations, in order to bring closure to suffering relatives, there is a strong case for the law under which a death certificate may be issued to be reformed.

Although the Alliance Party welcomes the Bill's general principles, it wishes some aspects to receive further consideration. I agree with Declan O'Loan that the length of time after which an application can be made for a presumption of death should perhaps be revised downwards.

I am told that, at seven years, Northern Ireland would be at the upper end of the international scale. I am not sure what the Scottish Act says, but in certain circumstances I regard seven years as an unnecessarily long time.

1.45 pm

There are human rights considerations in relation to those who are left behind. In most cases of disappearance there is no prospect of a person returning. However, it happens in isolated cases. Therefore, although steps can be put in place to ensure that property is returned, it is important that the bar is sufficiently high that no one is declared dead when there is any evidence that they may still be alive.

For that reason, and in supporting what Declan O'Loan said, the Alliance Party supports tougher requirements on Departments and agencies to co-operate and share information. My party wants that provision in the Bill and will ask the Committee to explore how best to include it, and the other matters that I have raised.

For now, Mr Deputy Speaker, we support the Bill.

The Minister of Finance and Personnel: I thank the Members who spoke in the debate and welcome the support that the Bill has received across the Assembly. I will deal with some of the specific issues raised by individual Members.

The Chairperson of the Committee welcomed the Bill's provisions. I thank him for that and for the Committee's deliberations thus far. My officials and I look forward to continued engagement with the Committee and its members on the relevant issues.

Among the issues that he raised was the possibility of disputes between family members over property and its distribution. The Bill will not and cannot resolve all the tensions and disputes involving family members, but under clause 6 the High Court will be able to make certain orders relating to the transfer of property. If disputes were to persist, other remedies might be available under civil law.

He and other Members raised the issue of disclosure of information. As I said in my speech, I intend to address that issue. Responses to the public consultation on the draft Bill indicate that it must provide a mechanism for making relevant information available to the High Court for consideration in cases that are before it. Officials are liaising with colleagues across Departments both here and in the rest of the UK on the form and scope of such a disclosure provision. I hope that that addresses the point, which has been raised by a number of Members. It is certainly something that has been taken on board.

Insurance is another important issue that was raised and one that I will certainly address. My officials have reconsidered comments received during consultation on the provisions relating to insurance in clauses 6 and 7 of the Bill. In particular, they have considered the treatment of annuities and other periodical payments. At present, the Bill treats annuities and periodical payments as capital sums that should be repaid if the High Court makes a property variation order. Such payments are also subject to the right of life insurers to require a recipient of such sums to take out indemnity insurance. Insurance to cover repayment of what may be a small amount of money can prove difficult to obtain or might diminish the benefit to the recipient of the sums received.

Under the Presumption of Death (Scotland) Act 1977, payments of capital sums by way of annuity or periodical payment are excluded from the recipient's obligation to repay or take out indemnity insurance. I have decided that the Northern Ireland legislation will follow the Scottish Act in that regard, and I will bring forward amendments to ensure that it does. In dealing with the issue, I am confident that the concerns expressed in relation to those provisions will be eased. As for dealing with insurance provisions, we are also considering how to simplify the unwieldy definition of "insurer" in clause 16 of the Bill.

Mr Simon Hamilton, the Deputy Chairperson of the Committee for Finance and Personnel, emphasised that the Presumption of Death Bill will help a large group of families — not only the families of the disappeared. I am grateful for that emphasis and for his welcome for the Bill. I am also grateful to Mr Hamilton, and the other Members who contributed to the debate, for emphasising that the Bill will not solve the fundamental problem for families of the disappeared.

It will go some way towards meeting some of the issues that they have raised about closure, but the most important factor is still the return of the remains of their loved ones and the availability of information to allow that to happen.

Mr Beggs also welcomed the Bill's scope to include all families. He mentioned deviation from the Presumption of Death (Scotland) Act 1977. Departmental officials will be happy to explain the differences between the Presumption of Death Bill and the Scottish Act. I will not explain those details now, because Mr Beggs is not in his place, but, no doubt, they can be explained to him at a Committee meeting.

Mr O'Loan mentioned the disclosure provision, and I hope that he was reassured by my comments on that. He also talked about what is happening in England and Wales on the matter, but, as I understand it, there are no plans to introduce similar legislation there. However, that is a matter for the Westminster Government.

Mr O'Loan and Mr Lunn also raised concerns about the seven-year rule. I am happy to engage with the Committee on whether seven years is an appropriate time; such dialogue with the Committee will be useful. I also thank Mr Lunn for welcoming the Bill on behalf of the Alliance Party.

The short debate illustrates that the Assembly and the Executive have listened carefully to the families of the disappeared. The Bill is not the most high-profile issue that will come before the Assembly or elsewhere this week, perhaps, but it is an important and relevant piece of practical legislation that will, it is hoped, make some difference to a small group of people. Its progression will mean that Northern Ireland will have practical legislation on its statute book that can be used in the future.

I am delighted to move the Bill's Second Stage, and I am confident that it will serve the same function for Northern Ireland as it has done for Scotland. I commend the Bill to the Assembly.

Question put and agreed to.

Resolved:

That the Second Stage of the Presumption of Death Bill [NIA 23/07] be agreed.

COMMITTEE BUSINESS

Statutory Committee Membership

Mr Deputy Speaker: As with similar motions, the motions on Statutory Committee membership will be treated as business motions. Therefore, there will be no debate.

Resolved:

That Mr Roy Beggs replace Mr Sam Gardiner as a member of the Committee for the Environment; that Rev Dr Robert Coulter replace Mr Basil McCrea as a member of the Committee for Employment and Learning; and that Mr Sam Gardiner replace Rev Dr Robert Coulter as a member of the Committee for Health, Social Services and Public Safety. — [Mr McNarry.]

Resolved:

That Mr Ian McCrea replace Mr Jim Wells as a member of the Committee for the Office of the First Minister and deputy First Minister; that Mr Edwin Poots replace Mr Allan Bresland as a member of the Committee for Agriculture and Rural Development; that Mr Alex Easton, Mr David Hilditch and Mr William Irwin replace Mr Alastair Ross, Mr Nelson McCausland and Mr Jimmy Spratt, respectively, as members of the Committee for Employment and Learning; that Mr Jim Wells replace Mr David Simpson as a member of the Committee for Enterprise, Trade and Investment; and that Mr Allan Bresland and Mr Alastair Ross replace Mr William Irwin and Mr Stephen Moutray, respectively, as members of the Committee for Regional Development. — [Lord Morrow.]

Standing Committee Membership

Resolved:

That Mr George Robinson and Mr Jim Shannon replace Mr Simon Hamilton and Mr David Hilditch, respectively, as members of the Public Accounts Committee; that Mr Simon Hamilton and Mr Ian Paisley Jnr replace Mr Ian McCrea and Mr George Robinson, respectively, as members of the Assembly and Executive Review Committee; and that Mr Jonathan Craig replace Mr Alex Easton as a member of the Standards and Privileges Committee. — [Lord Morrow.]

**Ad Hoc Committee: Draft Criminal Damage
(Compensation) (Amendment) Order
(Northern Ireland) 2008**

Resolved:

That, as provided for in Standing Order 53(1), this Assembly appoints an Ad Hoc Committee to consider the proposal for a draft Criminal Damage (Compensation) (Amendment) Order (Northern Ireland) 2008, referred by the Secretary of State for Northern Ireland, and to submit a report to the Assembly by 4 November 2008.

Composition:

DUP 4

Sinn Féin 3

UUP 2

SDLP 2

Alliance 1

Quorum: The quorum shall be five Members, except when no decision is taken or question put to the Committee, when the quorum shall be four. A quorum shall be deemed to be present where Members are linked by video-conferencing facility.

Procedure: The procedures of the Committee shall be such as the Committee may determine. — [*Ms Ni Chuilín.*]

PRIVATE MEMBERS' BUSINESS

Republican Activity

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes. 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.

Mr Elliott: I beg to move

That this Assembly notes the increasing levels of Republican activity and violence throughout Northern Ireland; condemns such activity; and supports the rule of law, the courts, and the Police Service of Northern Ireland.

I am disturbed by the need to table this motion but, given current circumstances, it is, sadly, necessary. The disturbing escalation of republican violence has happened while the people of Northern Ireland are still adjusting to having normal lifestyles after 40 years of paramilitary atrocities and criminal activity. The resurgence in republican paramilitary attacks has, once again, heightened the level of fear and anxiety that exists in communities across Northern Ireland.

It is vital that we speak out so that we can provide people with hope and reaffirm our resolve to continue working for peace. Without reserve, my party condemns loyalist paramilitary activity as both criminal and immoral. The failure of loyalist paramilitaries to decommission their illegal weaponry remains a cause of concern for the entire community of Northern Ireland.

My party's motion focuses on republican terrorist activity precisely because the recent upsurge of such activity poses the gravest threat to both life and political stability in Northern Ireland. It is republican terrorist organisations that are intent on murdering police officers — an action that has the potential to destabilise profoundly our society and political institutions and, even worse, to result in loss of life.

2.00 pm

Republican terrorist activity is something that Members of the House will know all about. Indeed, many have experienced its devastating impact on their lives. Thousands of people across Northern Ireland, other parts of the United Kingdom and throughout Europe have suffered at the hands of the Provisional IRA, the INLA, the Continuity IRA and the Real IRA for more than 40 years. The connection between those organisations is well known. They are all from the one stable and share the same evil intentions and destructive methods —

Mr Burnside: Regarding republicans coming from one stable — some parts are on ceasefire and other parts are planning to carry out violence and killings against the security forces, as demonstrated by recent events. As a Fermanagh man, does the Member agree that it seems that, as the DUP and Sinn Féin are coming close to doing a deal on transferring policing and justice, voting for the DUP in Wednesday's by-election in Fermanagh would send out entirely the wrong message? Instead, it is better to vote for the Ulster Unionists.

Mr Elliott: My position and that of my party is quite clear on policing and justice. Indeed, that actually reinforces the position of the Ulster Unionist Party as we do not believe that these institutions are ready for it —

Mr F McCann: I have listened to you rhyming off a number of what you called republican organisations. However, can you tell us why you have not included the loyalist stable? That stable contains heavily-armed groups and has been involved in murderous campaigns against nationalists.

Mr Elliott: If the Member had been listening he would know that I quite clearly dealt with that in my preceding paragraph. Perhaps he should listen more carefully. I do not believe that these institutions, let alone the people of Northern Ireland, are ready for the transfer of policing and justice.

There are those of us who stood proudly against those individual terrorist organisations for the past 40 years. We, as members of Her Majesty's forces, did that in defence of democracy and freedom. Many from this community have lost their lives; many have friends and family still living in this community and who are present in the House today.

Just last week, those who made the supreme sacrifice during Operation Banner were remembered at a service in London. They were remembered before God, and their families grieved together. For many people, the action of republican criminals, hell-bent on murder, means that they can never forget the past and they continue to suffer the emotional heartache today.

There is a distinct possibility that the Troubles — which we worked so hard to get away from — are returning again. In recent times, we have seen multiple attacks on members of the security forces, including attacks in the villages of Rosslea and Lisnaskea, both in my own constituency. Worryingly, Semtex previously owned by the Provisional IRA was found by the PSNI following the attack in Lisnaskea.

Sinn Féin did not attend the PSNI briefing following that attack. Instead, the party issued a statement that failed to call for republicans to give information to the police. Perhaps one of the Sinn Féin Members here today will clarify why that was the case. Perhaps he or she will also use the opportunity to explain how Sinn

Féin Members believe that the people of Northern Ireland can trust them when their actions do not reflect true support of the Police Service of Northern Ireland and of the rule of law. That action again calls into question the link between dissident and mainstream republicans, which many believe exists. I indicated earlier that they all came from the one stable, and it appears that some, indeed, possibly many, have returned to that stable.

The escalation in republican violence means that the frequency of attacks is steadily increasing. Just last week, we heard of the lady in Lisburn who almost lost her life after republican paramilitaries placed a viable explosive device under her vehicle. Today, we have heard of another incident in Jonesborough. Innocent men and women seeking to live peacefully are being targeted by those who have a craving to spill blood, and who use political ideology to justify what is — in reality — nothing more than attempted murder. Sadly, I do not believe that I am alone when I say that things are going to get worse before they get better.

(Mr Speaker in the Chair)

It is not the nature of republican terrorists to show mercy, but to butcher anyone who stands in their way, man, woman or child. With that thought in mind, it is vital for the people of Northern Ireland to have confidence in the Members of the Assembly to stand up for peace and justice, while the cowards who seek to destroy it are plotting behind balaclavas in dark rooms. The very existence of the Assembly is a symbol of hope for the people of Northern Ireland. It is imperative that, as leaders who stand for equality and understanding, we are open and upfront in our complete and utter condemnation of republican violence. In doing so, we will allow the people that we represent to see that we are taking a stand against the evil that exists for no other reason than to bring us back to the days when the spilling of innocent blood was almost a daily occurrence.

I cannot stress strongly enough the respect and admiration that I have for the men and women who protect Northern Ireland daily, including the PSNI and the response services such as the Ambulance Service and the Fire and Rescue Service. Those organisations play a vital role in the society that they exist to serve, and each of them has suffered from republican violence.

Terrorist atrocities, such as the bombs in Enniskillen and Omagh, do more than cause death and destruction; they leave in their wake psychological damage and emotional turmoil that affects not only members of the public but those who work so hard to provide support and care for victims.

Following the end of the Troubles, the resolve of the people of Northern Ireland was acknowledged throughout the world, in particular by countries that

had suffered, or continue to suffer, at the hands of terrorists. We will not stand by as a virus in our society plots our downfall because the political realities are not to their liking. We have a right to live free from tyranny and oppression, and with the freedom to express our political preferences without fear of being murdered in our sleep for doing so.

For more than a generation, evil men and women held our country back from fulfilling its full potential. Some of those people have realised that their aim of forcing Northern Ireland into an all-Ireland reality by committing murder and creating chaos was pointless. However, it came too late for the thousands who lost their lives to republican terrorists' lust for blood. It should never have happened and we must never allow it to happen again.

I say with a heavy heart that there may be occasions when the Army may have to be recalled to support the services of law and order in the Province. That need not be widespread in Northern Ireland, but certain areas are becoming increasingly more difficult for the Police Service of Northern Ireland to handle.

Mrs D Kelly: I beg to move the following amendment: Leave out all after "of" in line 1 and insert

"violent dissident republican and continued loyalist activity and violence throughout Northern Ireland; condemns such activity; welcomes the increased level of political and community support for the PSNI in the face of this threat; and supports the rule of law, the courts, and the PSNI and looks forward to further asserting these principles through the devolution of policing and justice matters."

At this month's meeting of the Policing Board, the Chief Constable made it clear that the threat from so-called dissident republicans remains very serious, and events over the weekend illustrate his remarks only too well.

As Members are aware, since March 2008, dissident republicans have attempted to murder eight police officers. There have also been attempted bombings and continued attacks on police officers using blast and petrol bombs. In recent weeks, my constituency suffered such violence. Fortunately, no one was hurt, and the violence was roundly condemned by the great majority of people.

In its amendment, the SDLP notes and welcomes the increased community and political support for the PSNI. Last Friday afternoon, I met local people and Lurgan neighbourhood officers to discuss antisocial behaviour in nationalist areas of Lurgan. People were delighted to see the police and want their help to make their lives safer and better.

People from across our community have no wish to return to the violent tragic past. Many people have difficulty in calling those violent men "republicans".

I repeat to the so-called dissident republicans what John Hume once said to the Provisionals:

"You are not Irish republicans, you are extremists who have dishonoured and are dishonouring the deepest ideals of the Irish people. Can we remind you yet again that those whose inheritance you so falsely claim, laid down their arms in 1916 lest they cause any undue suffering to their Irish people."

I now turn to loyalist violence. It is a matter of serious concern that, despite the completion of prisoner releases in May 2000, there has still been no decommissioning of loyalist weapons. The loyalists' statement that weapons have been "put beyond reach" is unacceptable and meaningless, and is not in keeping with the terms of the Good Friday Agreement. As Sir Hugh Orde informed me at September's meeting of the Policing Board, loyalist weapons are still being used in criminality and in the loyalist community. All parties must condemn such activity and call on loyalist paramilitary organisations to decommission forthwith.

We should all be acutely aware that political vacuums are filled by violence. The dissidents think that they have spotted an opportunity this summer, with Sinn Féin blocking the working of the Executive and the DUP blocking the devolution of policing and justice. Selfish party brinkmanship and standoffs suits the dissidents down to the ground because they create the sort of vacuum in which dissidents activate the kiddie rioting techniques that they learned as Provos. Early devolution of policing and justice would put a stop to the dissidents' gallop. When they have to face a policing and a criminal justice system that is fully under local democratic control, they will be completely exposed.

The onus is on all of us — but especially on the DUP and Sinn Féin — to deliver the last piece of the jigsaw. The DUP and Sinn Féin must give leadership and accept the responsibilities of their offices. I support the amendment.

Mr Simpson: I support the motion. Along with places such as Lisnaskea, Lisburn, Londonderry, Jonesborough — only yesterday — and parts of Tyrone, Craigavon, in my constituency, has witnessed violence carried out by dissident gangs. It is correct that the Assembly should send out a clear message that those groups have nothing to offer except bitterness and hatred and that they can achieve nothing but death, destruction and division. Indeed, I have little doubt that the leadership of those groups know that.

Do they really think for one moment that Unionists will agree to a united Ireland because of a new campaign when they stood against the sectarian slaughter of the Provos? Do they really think that they will defeat the same United Kingdom security services that so successfully infiltrated, corrupted and compromised the Provisional movement at all levels from leadership downwards? Do they really believe that although British intelligence had its people at the very top of Sinn Féin and the IRA, it does not already have people in place in the dissident organisations?

I have no doubt that there are people involved in the dissident groups who suspect all of that. However, their hatred of their neighbour and the level of sectarian malice that they feel towards ordinary men, women and children who happen to have been born into different communities and who have different opinions from theirs is such that they are prepared take the risk and visit violence upon them.

For those and for many other reasons, it is essential that the Assembly utterly condemns dissident groups. We must also accept that more groups — such as the Continuity IRA, the Real IRA and the INLA — are working more closely together. Evidence is emerging that the republican organisation Éirígí is actively seeking to unite with Republican Sinn Féin, the 32 County Sovereignty Movement and the Irish Republican Socialist Party with a view to providing political opposition to Sinn Féin and further accelerate the ongoing fragmentation of the mainstream organisations.

2.15 pm

Mr Storey: The Member refers to dissident organisations. Will he agree that the growth of those organisations stems in large part from the fact that the Sinn Féin leadership has spun its supporters a right old yarn about policing and justice? Will he further agree that the current artificial crisis that Sinn Féin has created in the Executive is more about Sinn Féin covering its back than about anything substantial?

Mr Simpson: Yes, of course, I agree with my friend's comments. There is no doubt that it is all a matter of Sinn Féin covering its back.

Let us be in no doubt: even though those groups cannot achieve their goals, they can succeed in causing murder and mourning in this Province. One cannot indoctrinate an entire generation of young people into hating all things and all people British — and train many of them in bomb-making skills and the use of weapons — and assume that one has not paved the way for the rise of yet another monster in the future. The issue cannot be ignored. It is imperative that Members on all sides of the House not only speak the right words of condemnation, but publicly co-operate with the police; encourage people to go to the police with any evidence about the activities of anyone who may be involved in that sort of activity; and support the police when arrests are made. It is now imperative that everyone in the Assembly takes that step. I support the motion.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. I support the SDLP amendment because it reflects the current position. It is also worth noting that republican activity is perfectly legitimate — violent activity is not. I am an Irish republican, and I will continue to be active. The deputy First Minister is an Irish republican and will continue to be active.

Republicanism is a perfectly legitimate form of politics, and we will continue to strive for our ideals and objectives.

The motion notes the republican activity and violence throughout the North and condemns such activity. I have no difficulty in condemning any violent activity from whatever source, including on the part of dissident republicans. I have no difficulty whatsoever in doing that. In my constituency, there have been repeated attempts to murder police officers, and I have no doubt that further plots are in place at the moment. I appeal to anyone who has information about those plots to bring it to the attention of the PSNI. It is time to bring this matter to an end before someone is killed — otherwise we will fall into a downward spiral, and no one wants to go back to that.

I have spoken to the communities that witnessed the rioting of only a few weeks ago. They know only too well what conflict and violence bring. They followed the coffins of their loved ones out of those estates during the worst periods of the conflict. Two young children were shot dead in a mobile shop in those estates. I can assure the House that no one in those areas wants to go back to those days. However, Members must not fall into the trap that is being set for us by those involved in this activity. Mr Elliott called for the British Army to be brought back onto the street, but that would be disastrous. With respect to him, that call is armchair-general material. The PSNI Chief Constable has already stated that his officers will be able to deal with the current activity. Let the PSNI deal with it, and let us, as politicians, ensure that there is no space for those people to operate in, because they wish us to be at one another's throats and to see the peace process brought down.

Mr Elliott: I thank the Member for giving way. Will he accept that the PSNI is not able to deal with the current republican violence simply because it is still ongoing — a fact that the Member has himself acknowledged?

Mr O'Dowd: I can go only by the assessments given by the PSNI Chief Constable. I see a need for the entire community to work against violence, whether it comes from loyalists or dissident republicans.

I do not accept that republicans on this side of the Chamber are not doing enough. If people think that there is something further that we can do, let us hear what that is. Some people say that if republicans were to provide information, there would be no activity. However, if unionists were to provide information to the PSNI, the huge loyalist arms hauls would not exist, because the PSNI would seize them. We can throw allegations back and forth across the Chamber, but our job is to make politics work and to ensure that we have a political process built on equality and partnership in

order to move forward. Our job is to give leadership to the community at difficult and stressful times so that we can move forward. Knee-jerk reactions to activity do not help.

I have met senior PSNI officers in my constituency, and my party has also met them regarding ongoing activity. I have said privately and I will say publicly that some people in the so-called dissident organisations are state agents, and they have been state agents for many years. Why have they been allowed to continue their activity? Is there someone in the intelligence services who is as opposed to the peace process as the dissident republicans? The PSNI must be allowed to do its job without intelligence agencies withholding information from it for whatever reason, as we have witnessed in recent days. I have a distinct feeling that people in the British intelligence agencies are opposed to the peace process and want to bring it down. We have a responsibility not to allow that to happen.

In conclusion, I support the amendment because it reflects what is happening in loyalism and in the so-called dissident republican organisations. It also reflects the need for political parties of all views and domains to ensure that we take the reins of power and use them wisely. Go raibh maith agat.

Dr Farry: First, I apologise to the House for missing the opening speeches, but I look forward to reading them in Hansard. My party supports the motion and the amendment, which I am sure will be accepted by the rest of the House. The motion is more rounded with the addition of the amendment, and it allows us to focus on the distinction between dissident republican activity and IRA activity. I would like to use the words “the former IRA”, but we are not quite at that stage yet, notwithstanding the progress that has been made. However, we must not forget that there is still a residual problem from loyalist organisations. Whenever the House discusses the problem of political violence, it is important that we do so in a balanced way and that we reflect that the problems come from a range of sources in the community, rather than one source in particular.

At the outset, it is important to recognise the progress that has been made over the years and to recognise that the level of political violence and outright terrorism has decreased substantially. That said, there is still a considerable problem, particularly from dissident republican organisations. We must take that threat seriously and ignore it at our peril.

The role played by the IMC over the years has been instrumental in building trust and confidence in our society. Rather than basing our judgements around rumour and innuendo, we have a more authoritative system of reporting on which we can base our judgements.

The Alliance Party is focusing on the immediate problem of terrorist threats, but we have always wanted to focus on a wider range of problems from paramilitary organisations that have been undermining our society. Most people think of the threat that terrorists posed to the security forces, to economic targets and also the sectarian killings that have occurred across the divide, but far too often we have ignored the problems of organised crime that have undermined the economy in our society.

It is not victimless crime, as some people have suggested. On the contrary, such crime has many victims, including all of us. It is crucial that we do not forget the social control that paramilitary organisations have imposed on their own communities through what have been falsely termed punishment beatings. Those organisations have tried to act as judge, jury and executioner. Coercion anywhere in society is to be regretted and must be challenged. Across that range of activity, some welcome progress is now being made.

In turning to the specific threat posed by dissident republicans, I pay tribute to the work of the Police Service of Northern Ireland in that regard. The PSNI has, in several cases, been successful in containing violence and dealing with threats as they have emerged. At the same time, we must acknowledge that several serious incidents have occurred in the past few months, particularly those that have been directed against individual police officers and against some people who have been mistaken for police officers. It is only through the will of God that we have not had a tragedy on our hands.

I have just returned from a lunchtime meeting with the Chief Constable at which we discussed the threat from dissident republicans, among other activities. I have no doubt that the police are extremely mindful of that continuing threat. I wish to give them my confidence and faith, and hope that most Members in the House will do likewise and give the police the opportunity to deal with the residual threat from dissidents, as is the appropriate role of police services in most normalised societies around the world. With the necessary resources and commitment — *[Interruption.]*

Mr B McCrea: Was the Member speaking to the Chief Constable in his capacity as prospective Minister for Justice, or is there some other reason for his boning up on policing?

Dr Farry: We are trying to have a serious debate about the serious problem of the threat of paramilitary organisations and terrorism. The discussions about the devolution of policing and justice are for another day. No doubt all political parties in the House, including Basil McCrea's party, take the opportunity to be briefed by the police.

Mr Speaker: The Member will bring his remarks to a close.

Dr Farry: My party supports the amendment to the motion.

Mr Speaker: As Question Time commences at 2.30 pm, I propose that Members take their ease until that time. This debate will resume after Question Time, when the first Member called to speak will be Lord Morrow.

The debate stood suspended.

2.30 pm

Oral Answers to Questions

OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

Proposed Commissioner for Older People

1. **Mr A Maginness** asked the Office of the First Minister and deputy First Minister what progress there has been in relation to the creation of a commissioner for older people post, in light of the current economic downturn and rising energy costs. (AQO 49/09)

The First Minister (Mr P Robinson): The deputy First Minister and I are acutely aware of the pressures that rising costs, including energy costs, are placing on household budgets, particularly those households on relatively low incomes. In order to ensure that momentum is maintained in respect of the creation of the post of a commissioner for older people, officials have been asked to pursue the appointment of an interim advocate for older people, and that process is well under way. Interviews of potential candidates are scheduled for later this month, and, subject to a satisfactory outcome, it is expected that an announcement will be made during October. The advocate will help to identify and address issues that affect older people and will remain in post until the appointment of a commissioner.

We are considering, and have published on our website, a report by an independent organisation that assesses the potential roles and responsibilities of a commissioner for older people. We shall consult other Departments and our Committee on the relevant issues and, after that, we intend to introduce proposals for further public consultation on the roles and responsibilities of the proposed office. Thereafter, officials will work with the Office of the Legislative Counsel to prepare the necessary legislation.

Mr A Maginness: I thank the First Minister for his answer. However, his answer is inadequate. One would have expected much greater progress on such an important issue. There are thousands of older people in this community who are at their wits' end because of living conditions, fuel costs, and the cost of putting bread on the table. Surely it is imperative that the First Minister and his office work more rapidly to address such a bread-and-butter issue as creating an advocate for older people in this community, and to end the quarrelling that has bedevilled the Executive throughout

the summer, which people in the community find quite intolerable. Get on with the business of Government.

The First Minister: Not for the first time, the Member seems to be confused. Perhaps he did not hear what I said, so I will repeat it for him. We have already agreed that there should be an interim advocate for older people, because — as he should know — a legislative programme takes at least 18 months or two years to implement. Rather than delay the establishment of an advocate for older people, we have determined that we should proceed rapidly, and, as I indicated, we hope that that appointment will be made next month.

However, the Member seems to confuse the appointment of an advocate with the resolution of issues that are affecting older people. The appointment of an advocate does not remove responsibility from elected representatives, particularly Ministers, to examine the steps that they might take within the scope of their departmental responsibilities in order to ease the load that is being felt, particularly by older people in our society.

Mr Speaker: Before I call the next Member, I remind those on all sides of the House that they should ask a supplementary question — not make a statement.

Some Members: Hear, hear.

Ms J McCann: Go raibh maith agat, a Cheann Comhairle. Given the recent rises in gas and electricity prices, coupled with the rising cost of food, and in line with the letter issued by the deputy First Minister, will the First Minister agree to jointly push the British Prime Minister to return to the Executive the approximately £45 million-plus that was raised in tax and fuel increases, in order to redress fuel poverty, particularly for the vulnerable and the elderly?

The First Minister: That question emphasises the fact that there is a limitation on the steps that a devolved institution such as ours can take to change the price of a barrel of oil. Clearly, it is the Government of the United Kingdom that will have the greater influence on those matters.

I have read carefully the letter from the deputy First Minister, and a number of the points that he makes are worthy of further discussion. I shall certainly offer him support, not just on that particular issue, because there are legacy issues in respect of which there is clearly more that the United Kingdom Government could do. However, there are other issues that the Minister of Finance and Personnel has raised with the Chancellor of the Exchequer, and with the Prime Minister, that we must push forward.

Ultimately, we can resolve many of the issues ourselves. We should not always look to other people to solve our problems if we have the means to do so ourselves. As the letter from the deputy First Minister

indicated, several of the issues that would help people in our society generally — not only older people — come under our responsibility and could be dealt with at the next Executive meeting.

Mr Gardiner: Will the First Minister consider making age proofing of all new legislation part of the normal legislative procedure, in much the same way that current legislation is subject to rural proofing?

The First Minister: I am happy to discuss that issue with the Member. If one examines the issues that surround fuel poverty, for example, one will see that, although 43% of our community is in fuel poverty, that figure is significantly lower for people aged below 60 to 74 — it is about 34%. Therefore, the older people get, the greater difficulty they have with the cost of living and fuel poverty, in particular. Fifty-six per cent of households headed by people aged 75 and over are in fuel poverty. Therefore, there is statistical evidence that we should take into account the age of people in our society.

Programme for Government Targets

2. **Mr Moutray** asked the Office of the First Minister and deputy First Minister how the Department is performing against its Programme for Government targets; and how this performance is measured. (AQO 44/09)

The First Minister: In general, the Office of the First Minister and deputy First Minister (OFMDFM) is making good progress against its Programme for Government (PFG) targets.

In year 1 of the programme, those achievements already include extending the Northern Ireland Bureau's representation in New York to promote our interests and further develop key contacts in the United States. There has also been additional Budget provision to fund the appointment, from 1 September, of 14 additional panel commissioners and several other appointments to senior levels in the Planning Appeals Commission and the Water Appeals Commission. Those additional resources are targeted at addressing the backlog of appeal cases.

All Departments have nominated a champion for children and young people to liaise on children's issues and to encourage Departments to ensure that the interests of children and young people are fostered and that their views are sought on policy and strategic issues.

Ilex has advanced the master plan for the development of Ebrington Barracks and is developing capital infrastructure projects for site transport, open space, car parking and event infrastructure. Although delivery on three of our targets has taken slightly longer than anticipated, we remain committed to delivering the

underlying policy goals. I am happy to write to the Member with a full list of the Department's achievements and to place it in the Library.

The performance of OFMDFM against its PFG commitments and targets is measured through a series of delivery agreements. Those delivery agreements set out the vision espoused by the public service agreement (PSA); the ways in which progress towards the achievement of the objectives and targets set out in the PSA will be measured; the strategy for delivery of the PSA commitments, including the management of identified risks; the key delivery milestones; and the key stakeholders in the delivery of the PFG commitments set out in every PSA.

Mr Moutray: I thank the First Minister for his answer. What is the current position on an agreed framework to monitor the delivery of the targets and commitments in the Programme for Government 2008-11, on which the Budget allocations are based?

The First Minister: Departments have been asked to put their PSA plans and efficiency delivery agreements on their websites. I understand that all but three Departments have already done so, and I expect the remaining three to do so by the autumn. The Department of Health, Social Services and Public Safety and the Department of Education are two of those three Departments, and they have a more onerous task in responding due to their size.

The third Department is OFMDFM, which has the more difficult task, because several of its PSA targets are cross-cutting and, therefore, require feedback from various other Departments. As far as the overall plan for programme measuring is concerned, the paper that deals with that subject is in what we describe as "brokerage" at present. It deals with the kind of issues that I have listed in the original answer. The Ministers and officials who are responsible for each of the PSA targets and the roles of OFMDFM, the Finance Department, the Executive and, indeed, each of the Committees are identified.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. It is useful to hear the First Minister outline some of those targets and progress that has been made towards the Programme for Government in other Departments. Will he comment specifically on the target to eradicate child poverty and outline whether there has been any movement to implement the recommendations of the child-poverty inquiry?

The First Minister: I am not sure whether, in my current capacity, I should give my standard reply on that issue because, at present, I act on behalf of OFMDFM. The definition of child poverty is one that, statistically, can never be reached because, clearly, a problem cannot be eradicated when it is always regarded by the statistical average. Therefore, apart

from the fact that a target has been set that can never be achieved, it is important that we deal with the subject of child poverty and all of the problems that people have lately had to face. Increases in housing costs and the price of food and fuel mean that it is more likely for people to get into poverty. The requirement for action is, therefore, all the greater on the part of the Executive, which is why they must deal with those issues.

Mr Ford: I welcome the First Minister's remarks. In particular, he referred to cross-cutting targets, which are his Department's responsibility. Given what he has just said about the difficulty with child-poverty targets, will he tell the House what has been achieved towards the longer-term economic development of the region; in particular, targets on R&D policy, which are key to progressing Northern Ireland's way out of recession and building its economy for the future?

The First Minister: The Member is perfectly right: the Executive and, indeed, the House agreed that the economy should be the number-one priority. We backed that up with a Budget to fund Departments that can help to generate innovation and to improve skills and education. Therefore, all of the introductory requirements are in place.

However, the cross-cutting nature of the Budget means that the measurement is much more difficult to achieve and to display. Work on that is ongoing. The Executive hope that that work can, perhaps, be statistically measured throughout the years, and that that will enable us to say that a particular percentage along the road towards meeting those targets has been reached. However, some targets that are set for the economy will require more long-term measures; for instance, that of improving Northern Ireland's gross value added. If there is improvement on those issues, it will not be statistically recognisable on a month-to-month basis. The benefits of the policies that have been laid down will be much more apparent in the long term.

Executive Meetings

3. **Mr McNarry** asked the Office of the First Minister and deputy First Minister why the meeting of the Executive, due to take place on 24 July 2008, was cancelled. (AQO 19/09)

5. **Mr Hamilton** asked the Office of the First Minister and deputy First Minister how many meetings of the Executive have taken place since 15 June 2008. (AQO 43/09)

The First Minister: With your permission, Mr Speaker, I want to answer questions No 3 and No 5 together. There has been one meeting of the Executive since 15 June 2008. That meeting took place on Thursday 19 June. The Executive meeting that had

been scheduled for 24 July was cancelled because there was no agreement that it should take place.

Mr McNarry: I thank the First Minister for his frankness and brevity, which tell the other story. Who has not come a cropper over promises that were engineered by Downing Street? Is it not a matter of how disappointments and let-downs are handled? It is maturity that counts. Are the Sinn Féin members of the Executive who are present not to be held to account for their immaturity, which caused the Executive to shut up shop for three months? Is that not acceptable?

2.45 pm

Will the First Minister agree with me that the majority of Members find the behaviour of Sinn Féin Ministers, including that of the deputy First Minister, both irresponsible and deplorable? Will he also agree that people's thoughts are fixed on the cost of heating, eating and water, on recovery from floods, on getting education right and on the impact of the credit crunch? They show little interest in the machinations of Sinn Féin and its fixation with policing and justice. The First Minister has confirmed why the Executive have failed to meet —

Mr Speaker: Order. I have made it clear that Members must ask supplementary questions rather than make statements. Have you finished asking your supplementary question? Have you another to ask?

Mr McNarry: I wished only to wind up my supplementary question by saying that the First Minister has confirmed why the Executive Committee failed to meet. Will he tell us when they will meet and what he intends to do should Sinn Féin refuse to attend?

The First Minister: I got the drift of the question anyway.

In the Assembly, each Member carries a heavy responsibility for what he says and does. Our community wants to see the Assembly and Executive working and to see us all move forward. I and my party are committed to working all the institutions of the Agreement, and that is what we will do.

The next meeting of the Executive is scheduled for Thursday, as the Member and everyone else in the House knows. I want it to take place. I have indicated to the deputy First Minister that it should do so, and I have identified over two dozen issues that should be on its agenda, including the very issue that the Member raised, and which the deputy First Minister has identified in his own correspondence.

The situation requires much more of me than grandstanding and scoring party-political points. There is no advantage to be gained by that. However, I will be deeply disappointed if the Executive do not meet on Thursday, and that disappointment will be reflected right across the community.

Mr Hamilton: Will the First Minister agree that, given present economic conditions, it is essential that the Executive meet on Thursday so that action can be taken, and help given to those in Northern Ireland who feel so much pain in their pockets? Those people will take a dim view of those who do not allow such action to be taken.

The First Minister: I have identified some issues relating to the credit crunch, energy costs and all of those matters which the Executive should consider. The deputy First Minister has done the same and he has published his views. The Minister for Social Development is also preparing a paper on those matters. I have spoken with my colleague the Minister of Finance and Personnel, and he has tasked his officials with finding possible ways forward. In each individual silo, there is recognition that we must deal with those matters, but we can only resolve them if we come together.

I add only one note of caution to what the Member says: even if those matters did not need immediate attention — and they do — I still believe that the Executive need to meet and to function, and we need to be able to show the people that the Assembly means business and is able to do it.

Mr Durkan: Does the First Minister agree that an Executive that cannot meet cannot credibly meet the challenges that the region faces? During the summer, he said, through the media, that he had passed several papers for the Executive meeting, and that the deputy First Minister had passed only a few. Can he update Members on the score in relation to that?

Did the cancellation of the July meeting of the Executive have an impact on the calendar of meetings of the North/South Ministerial Council? If it did not, would cancellation of this week's meeting have implications for that calendar?

The First Minister: The issue is more complex than comparison of statistics. On some of the papers for the Executive, the deputy First Minister and I are making genuine progress, and they are under consideration. We have sent some of them back to Ministers for their views on suggestions that we have made.

I have suggested an agenda that contains more than two dozen items, which is more than the Executive will be able to deal with on Thursday. That indicates that issues are piling up. However, it is not the case that Ministers are not doing their job. Ministers are not meeting to agree policy documents and general direction, which is an important element of their job, but all are working in their Departments to attempt to resolve the departmental issues before them.

Papers to convene meetings of the North/South Ministerial Council and, perhaps more importantly, from our point of view, the British-Irish Council (BIC)

would normally have been presented for clearance at the Executive meeting on 18 September. There cannot be a meeting of the BIC or the North/South Ministerial Council unless the Executive clear those papers. If there is no meeting on Thursday, other institutions will start to freeze as well.

Mrs Long: I thank the First Minister for his comments. Will he assess the impact that this state of constant crisis has on the institutions' credibility with the public? I detect that the public are completely exasperated with the Executive's lack of progress and petty bickering. The Executive should be dealing with issues in a mature way.

The First Minister: It is clear that there is little patience in the community, particularly when it is under financial pressure, for an Executive that is not meeting. Statistically, I would not like to indicate the extent to which that reduces confidence, but it is clear that if the institutions do not operate and function properly, confidence decreases.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. My party, too, hopes that an Executive meeting takes place on Thursday, and that the Executive meet based on equality, partnership and power sharing. Although other parties in the Chamber may think that we are squabbling over petty issues, we do not. I know that the SDLP has abandoned the principle of power sharing, but we have not.

Will the First Minister, who has, today and in the past, publicly stated his commitment to the institutions, publicly state his commitment to power sharing now and in future?

The First Minister: I thought that I had made it very clear that I want the institutions to work. Nobody in the Assembly could be in doubt about the nature of those institutions. In the fullness of time, when we have been able to stabilise democracy in Northern Ireland, I hope that we can normalise our democratic institutions. Whether we rely on a bill of rights or another process, we must move to a system that is based more on normal democratic standards.

I assumed that that was the SDLP leader's message. I do not think that his message was that he wanted to leave behind power sharing per se. It is a fact of life that the Executive cannot be formed without power-sharing arrangements, because no party has the strength to go ahead on its own. Unless the electorate, which decides the composition of the Assembly and therefore the Executive, changes its mind, there will be a form of power sharing in Northern Ireland for the foreseeable future. I want to see power sharing exist in Northern Ireland on a basis that is more voluntary than mandatory.

Executive Response to August Flooding

4. **Lord Browne** asked the Office of the First Minister and deputy First Minister to detail how the Executive responded to the flooding that occurred in August 2008. (AQO 55/09)

The First Minister: After extremely heavy rain on Saturday 16 August, flooding occurred in locations across Northern Ireland. To ensure a co-ordinated and effective strategic response, the Minister for Regional Development and the Minister of the Environment convened a meeting of the crisis management group on Sunday 17 August with senior officials from the relevant organisations and agreed a range of response measures. In parallel, the Minister of the Environment agreed with the Minister of Finance and Personnel that a scheme of emergency financial assistance should be made available to district councils, including payments to affected householders. Ministers Wilson and Murphy convened a further crisis management group meeting on Monday 18 August to review progress and agree further actions.

In the following days, officials from the Office of the First Minister and deputy First Minister maintained contact with the key responding organisations to ensure that any remaining issues were addressed.

The Minister for Regional Development has commissioned consultants to report on the flooding of the Broadway underpass. That report is expected to be completed within two to three months. By Friday 12 September, district councils had paid emergency financial assistance grants to 1,431 households.

Lord Browne: I thank the First Minister for his informative and detailed reply. There is no doubt that the disastrous events of August were characterised by fluvial and pluvial flooding after exceptionally high rainfall. Unfortunately, as the First Minister is aware, many areas in Northern Ireland have been flooded at least twice in the past 15 months. In order to reduce the risk of flooding in the future, does the First Minister agree that it would be appropriate to commission an independent review of the flooding emergency that took place in June 2007 and August 2008, and that the review should be similar to the Pitt Review that took place in Great Britain after similar flooding there?

The First Minister: The Member's background as a geography teacher is beginning to show through.

I am aware of Sir Michael Pitt's report, which has been published and is being considered by Her Majesty's Government. Although the report deals almost exclusively with flooding in England during 2007, undoubtedly there will be lessons that we can learn from it, and perhaps we will be able to follow some of its recommendations.

After the flooding in June 2007, the Executive immediately charged the then head of the Northern Ireland Civil Service, Sir Nigel Hamilton, with the task of carrying out a full review and report, which he presented to them with action plans for each Department to implement. Many of those action points had been put in place before the most recent flooding event.

However, some matters still need to be addressed. A key issue is the creation of a three-digit telephone number so that a single telephone call will enable people to contact any Department or agency that deals with flooding. People have emphasised to me the importance of communication. Individuals were able to make contact, and departmental representatives visited households, so they could see their problems being resolved. However, there is massive frustration if that initial contact cannot be made. When the Department of Finance and Personnel instigated the three-digit telephone scheme, it was due to be implemented in December 2008, but I believe that the Department hopes to get it up and running during October. That scheme will be in operation in the event of future flooding.

All Executive Ministers have received copies of Sir Nigel Hamilton's report, and they each have an action plan for their Departments. Aside from the issue of the underpass, on which the Minister for Regional Development has already initiated a review, it appears that all other matters ran more smoothly this time than they had in June 2007. I hope that this is not a cycle that we have to experience annually in order to get it right.

Mr K Robinson: Will the First Minister explain in detail how the Executive can respond to anything if they do not meet? Does the First Minister agree that urgent action needs to be taken to make available a flood map for Northern Ireland similar to that which is available elsewhere in the United Kingdom?

The First Minister: The Executive comprise a collection of Ministers, each of whom has departmental responsibilities; Sir Nigel Hamilton's report is available to all those Ministers. They know their individual responsibilities, and they are in a position to ensure that their Departments carry out the necessary work.

I am happy to consider the issue of a flood map. That may fall within the remit of the Department of Agriculture and Rural Development, and a quiet word in the Minister's ear might produce the appropriate response.

3.00 pm

AGRICULTURE AND RURAL DEVELOPMENT

Flooding: Assistance to Farmers

1. **Mr Brady** asked the Minister of Agriculture and Rural Development what assistance her Department and the Executive will provide to those farmers affected by the recent flooding. (AQO 114/09)

3. **Mr Savage** asked the Minister of Agriculture and Rural Development if her Department will consider an aid package for farmers who have lost their crops as a result of the recent flooding. (AQO 12/09)

6. **Mr McCarthy** asked the Minister of Agriculture and Rural Development what action her Department has taken to help farmers affected by the floods in August 2008. (AQO 90/09)

19. **Mr Burns** asked the Minister of Agriculture and Rural Development what methods are in place to allow her Department to make speedy calculations of crop values, lost as a result of the flooding in August 2008; and if she will compensate quickly for the loss of crops. (AQO 9/09)

The Minister of Agriculture and Rural Development (Ms Gildernew): With your permission, a Cheann Comhairle, I will answer questions 1, 3, 6 and 19 together.

I have great sympathy for farmers who suffered losses as a result of the flooding on 16 August. During my visits to those areas, including farms, affected by the widespread flooding, I saw at first hand the impact and distress caused. Although I was not able to visit every location, I am focusing on assessing the issue of assistance to farmers and directing the development of flood-management policy and response, including that of the Rivers Agency.

Farmers whose homes were flooded can avail of emergency assistance from the Executive; they are entitled to receive a payment of £1,000 to help to restore their homes and to ensure that they are made habitable as quickly as possible.

In response to reports of severe damage, particularly to arable crops, I have asked my officials to carry out an assessment of flood damage to crops in areas we know to have been flooded. Officials are assessing damage in other areas of the countryside as reported to us through the Department's helpline. Those assessments are well under way and most of that work was completed by 12 September. I intend to make the

results available to my Executive colleagues so that we can jointly consider the way forward.

The flooding of 16 August is estimated to have cost the North's crop sector £452,000. That figure includes cereals at a cost of £97,000; potatoes at a cost of £293,000; carrots at a cost of £49,000; and cabbages at a cost of £13,000. Those costs are based on inputs used to establish and maintain the crop up until the date of flooding. There is no compensation or reimbursement available for crop or other losses. However, in tandem with the damage assessment by my officials, I am considering funding options that would allow for some measure of relief. Those options include a one-off hardship scheme and a long-term loss evidence-based compensation scheme.

There is a statutory basis for the creation of a one-off hardship payment scheme under the European Commission's (EC) *de minimis* scheme. The EC provisions limit the payment to any single beneficiary to €7,500 within any three-year period. Any such scheme would have to pass the Department of Finance and Personnel (DFP) economic appraisal, and the Executive would have to agree to the scheme and to securing funding for the hardship payments involved. However, it is important to note that a hardship scheme would not allow for significant losses to be addressed and that will negatively impact on any consideration of the necessary business case.

A longer term, more focused compensation approach will also be considered. That option can be pursued if we can demonstrate that the damage was caused by an exceptional occurrence; that would require more detailed evidence of actual losses. There may be provision for the prompt introduction of such a compensation scheme under EC block exemption regulation rules, and that is being investigated. I have asked my officials to examine as a matter of urgency how we can bring forward less-favoured area compensatory allowances payments from March to January; that will help farmers as well.

In answer to Mr Burns's question, my Department has conducted a detailed assessment of the damage to crops, and information and statistics are available on farm costs and crop yields. Those data are collected through official surveys run by the Department and cover farms of different sizes and types across the North. Many of those statistical surveys rely on the voluntary co-operation of farmers who are selected at random for participation. If approached in the coming weeks by the Department of Agriculture and Rural Development (DARD) staff, farmers are urged, now more than ever, to assist in that important work.

As Members will appreciate, that is work in progress; any Executive decision regarding aid can be properly informed only on completion of the damage-

assessment exercise. In the meantime, I urge farmers whose crops have been affected or who have suffered other losses to register flooding damage by contacting DARD on 028 6634 3172. That is vital: we can assess damage only if it has been reported; we cannot assess damage if nobody gets in touch. I ask farmers to contact the Department if they have suffered flood damage, *Go raibh míle maith agat*.

Mr Brady: I thank the Minister for her answer. *Go raibh maith agat*. My supplementary question was in relation to funding options, and I think that the Minister has covered those.

Mr Savage: I welcome the Minister's response. What contact has the Minister had with her ministerial colleagues with regard to bringing forward a multi-agency approach that will bring a report to the Executive requesting a financial package to alleviate the hardships of many of those farmers?

The Minister of Agriculture and Rural

Development: The Department is concentrating on the assessment necessary to establish how much funding is required. I am aware that, given current financial circumstances and the credit crunch, there are many calls on the Executive's budgets and resources, and there are many difficult decisions to make. However, I will want to discuss this issue with Executive colleagues when the full assessment is available.

Mr McCarthy: I welcome the Minister's response and acknowledge her commitment to the farming community in Northern Ireland. The Minister does, however, have the power to initiate an aid package for farmers who have suffered as a result of the flooding. Will the Minister listen, and respond positively, to the particular plight of the Ulster Farmers' Union and not be held back or dictated to by any UK Government or EU official, and get assistance to farmers as speedily as possible?

The Minister of Agriculture and Rural

Development: I met stakeholders, including the Ulster Farmers' Union, during the week of the flooding. I am looking at all the options available to the Department, and I will do my absolute best and put a strong and robust case for help for farmers. I will listen to all concerned and try to ensure the best outcome.

Dr W McCrea: The Minister will know that, on behalf of the Committee for Agriculture and Rural Development, I wrote to her concerning this matter, requesting that she urgently present to the Executive an emergency scheme to fully compensate farmers for losses incurred as a result of flooding; that, while that scheme is being developed, she provide those farmers assessed as being most seriously affected with an interim advance on their single farm payment and a payment under the *de minimis* aid for the agriculture sector; and that she facilitate a full briefing of all

public-sector organisations that were involved in the tragedy of 15 and 16 August. How is the Minister dealing with those requests?

The Minister of Agriculture and Rural

Development: The Department is considering all the requests that have been received, and the assessment, as I said, is being undertaken. With regard to the single farm payment, a derogation would be required in order to allow the Department to pay an interim advance, and, as the rule stands, there is no facility for paying an advance.

I am mindful that part-payments add to administration and have a negative impact on the payment programme overall. The Department is considering other ways in which payments can be prioritised to affected farmers, and how the less-favoured area compensatory allowance payments can be brought forward to January 2009 in an attempt to alleviate financial pressures on farmers. The Department is, therefore, examining all available options in order to achieve the best deal for farmers.

Dangerous Dogs Legislation

2. **Mr G Robinson** asked the Minister of Agriculture and Rural Development for an update on the proposed changes to the dangerous dogs legislation.

(AQO 45/09)

The Minister of Agriculture and Rural

Development: In the Assembly on 20 November 2007, I announced a review of dangerous dogs and dog-fighting legislation. Since that announcement, my officials have been carrying out a scoping exercise on existing legislation with regard to all aspects of dog control, including dangerous dogs. This included examining the wide range of comments made by Members, district councils, the PSNI and a range of stakeholders. My officials have also engaged with their counterparts in Dublin and Britain.

Many of the issues that were raised during the scoping exercise centred on the enforcement of dog-control legislation, rather than necessarily calling for new legislation. As enforcement of the legislation is crucial to the Department's review, and many of the issues raised are about public safety, there have been calls for the PSNI to have a greater role in the enforcement of dog-control legislation.

After discussions with the PSNI and councils earlier in the year, I established a working group to draw up a memorandum of understanding that would clearly define roles and responsibilities, and provide a mechanism for co-operation in enforcing the current legislation. Having met the working group on 1 September, I am delighted to say that the memorandum of understanding is expected to be finalised soon.

The Department's review is ongoing. Once the scoping exercise is completed, I will consider a number of policy options, including new legislation.

Mr G Robinson: Will the Minister detail what, if any, changes will affect local councils' responsibility on the dangerous dogs legislation?

The Minister of Agriculture and Rural

Development: At this stage, councils are responsible for the local enforcement of dog control. My Department cannot pre-empt the outcome of the consultation. Under the Local Government Act 1972, district councils can already make by-laws according to the particular requirements of their areas. It would be inappropriate to pre-empt the outcome of the review, but it will be comprehensive and wide-ranging, and the control of dogs in public places will form part of my consideration.

I had an excellent meeting with representatives of all 26 district councils. They have several good ideas, some of which present challenges. My Department wants to ensure that district councils feel that they are playing a full part in the process and that their views are being taken into consideration.

Mr Doherty: Go raibh maith agat, a Cheann Comhairle. How will the memorandum of understanding improve the situation?

The Minister of Agriculture and Rural

Development: The memorandum of understanding is a fundamental component of my review of the dog control legislation. It will clearly set out the enforcement role of councils under the Dogs Order 1983, and it will detail the PSNI's role in tackling dog fighting as set out in the Welfare of Animals Act 1972. That will enable both parties to act swiftly and effectively, and it will remove some of the current concerns and ambiguity.

In addition, the memorandum will detail the mechanism through which the district councils will approach the PSNI, and vice versa, to secure full co-operation and support in incidents that involve dangerous dogs presenting a risk to the public or to council staff. It will clarify certain enforcement powers that, until now, have been unclear — for example, when seizing dangerous dogs that have been located as a result of breaking up a dogfighting ring — and the enforcement of current legislation will, therefore, be much more effective.

I am delighted with the progress that the council representatives and the PSNI have made on the memorandum, and I am grateful to them for their efforts. Even the process of drawing up the memorandum brought the enforcement bodies together, and both commented that they found the process beneficial and a useful forum in which to discuss mutual concerns. If, as a result of the review, I decide that new legislation

is appropriate, the memorandum will be amended as necessary to take account of the new legislative proposals.

Mr Cree: What proposals exist to address the issue that not only certain breeds of dogs are dangerous and, therefore, many dogs could fall outside the scope of the regulations?

The Minister of Agriculture and Rural Development: There are conflicting views about the effectiveness of banning dogs based on their breed or type, and my officials have discussed the issue with breed experts and district councils. It is a complex problem that requires careful and detailed consideration, and perhaps further discussion with experts and those with responsibility for enforcement. I also raised the matter during discussions with stakeholders. However, until the issue has been fully examined, I do not want to pre-empt the outcome of the review.

Farm Modernisation Programme

4. **Mr McLaughlin** asked the Minister of Agriculture and Rural Development what will be offered to farmers under the farm modernisation programme; and what steps her Department is taking to make the application process straightforward. (AQO 104/09)

The Minister of Agriculture and Rural Development: The draft list of eligible items is available on the Department's website. Financial support will be paid up to the maximum amount available for each item or 40% of invoiced eligible expenditure, whichever is less, subject to an overall cap of £5,000 per farm business.

My officials have met industry representatives frequently over the past months, and they have drawn up a list of items under the scheme that will be of value to farmers in several ways: the introduction of new technologies; animal health and welfare; occupational safety; increased business efficiency; hygiene control; and the enhancement of environmental status and energy efficiency.

I am keen that the application and procurement process should be as straightforward as possible, and, to that end, my Department will ensure that bureaucracy is kept to a minimum.

Mr McLaughlin: Go raibh maith agat. The Minister has anticipated my supplementary question on the possibly prescriptive list of items that qualify for support.

The Minister of Agriculture and Rural Development: Several areas of support have been discussed. I encourage Members to look at the extensive list of items that is available on the Department's website. However, that list is in draft form, and I would appreciate feedback on it.

Mr Bresland: Will the Minister confirm that, under the farm modernisation programme, the maximum grant available to each farm business is £10,000, as set out in the measure sheets of the Northern Ireland Rural Development Programme 2007-2013?

3.15 pm

The Minister of Agriculture and Rural Development: Under the farm modernisation scheme, the maximum amount of grant is £5,000, which is 40% of total expenditure. Financial support will be paid up to the maximum amount available for each item or 40% of invoiced eligible expenditure, whichever is less. Other schemes are in place that could bring that amount up to £10,000, but the ceiling under the farm modernisation scheme is £5,000.

Mr Ford: I thank the Minister for her answer. She has agreed that the maximum amount under the scheme is £5,000, a relatively modest sum. She stated earlier that she would seek to keep bureaucracy to a minimum. Will she state how that will be done? In many cases in the past, it seems that farmers have spent so much on accessing grants that it has barely been worth it.

The Minister of Agriculture and Rural Development: The past, thank God, is in the past. I am now looking to the future and to ensuring how a service can be provided that is fit for purpose for the farming and rural community. My Department will use reference prices for the grants so that farmers will not have to get a number of quotes and, hopefully, the amount of bureaucracy can be minimised.

Several stakeholders, including the UFU, were keen for the limit to be £5,000 to allow the maximum number of farmers to avail themselves of the scheme. Although £5,000 might appear to be a modest amount, we want to try to enhance the livelihoods of as many farmers as possible through the scheme.

Mr P J Bradley: DARD advised the Committee for Agriculture and Rural Development that a further £5 million would be added to the farm modernisation programme. Has the Minister secured that £5 million, and if so, was any funding taken from other agriculture schemes? I am concerned that some farmers might lose out if moneys were switched in that way.

The Minister of Agriculture and Rural Development: We want to be sure that the available grants are spent. If there are areas in which the Department does not receive applications for grants, we will want to ensure that funding goes to areas in which a lot of applications have been made.

An amount of £2 million has been made available from the focus farms scheme. I do not have the full details, but flexibility is needed in the programme to ensure that money is spent and does not go unspent at

the end of the programme. The Department will shift money as the year progresses and we review the programme.

If there are areas that need further moneys, we will reconsider the overall package. Funding for the rural development programme comes from the overall budget of £530 million.

Adult Literacy

5. **Mrs McGill** asked the Minister of Agriculture and Rural Development what action she is taking to address the issue of adult literacy for farmers and other people in contact with her Department. (AQO 129/09)

The Minister of Agriculture and Rural Development: My Department has a range of measures to improve access to its services for all farmers and others. Those include a customer service improvement programme, which seeks to improve the Department's service delivery through several major projects. Dissatisfaction with the volume, complexity and consistency of the Department's written communications is being addressed through a written communications project. Almost 600 staff who communicate in writing with the Department's customers have received plain English training, which aims to deliver the benefits of simplifying and improving the consistency and presentation of the Department's written communications with customers.

That will lead to fewer queries and complaints and improved understanding of the Department's service delivery among customers. Plain English principles are now being applied to all the Department's new publications, and best practice in written communications across the Department has been rolled out in the Veterinary Service, which will simplify key high-volume letters and guidance notes.

The Department's customer service improvement programme is also improving access to services through a new service delivery model, DARD Direct, and through the addition of new service delivery channel options. For example, the registration of cattle births and deaths via the telephone was successfully piloted in County Fermanagh earlier this year and, for the first time, applications for the new countryside management scheme could be made by telephone, which avoids the requirement to complete a form.

The Department is also replacing almost 100 office-based telephone numbers in telephone directories with 11 new numbers related to DARD's main areas of work. That will simplify the system for callers and, I hope, make it easier to find the right point of contact. In addition, an increasing range of services are available online.

My Department is also committed to supporting the Department for Employment and Learning (DEL), which leads on the delivery of skills, education and training in the North and has committed significant resources to this issue.

The College of Agriculture, Food and Rural Enterprise has worked with DEL to incorporate skills training within all level 2 education and training programmes for students who do not have a GCSE grade C in English or maths.

The Department's work is encouraging; we continue to explore ways in which to improve our services and increase accessibility. That improvement programme will include a focus on adult literacy, not only in relation to the Department's documents and publications but during face-to-face contact.

Mrs McGill: I thank the Minister for her response. When will the House see evidence of that improvement?

The Minister of Agriculture and Rural Development: There is already evidence of improvement to the Department's service delivery. DARD Direct — the new service delivery model — has been piloted in Fermanagh, and the Department will make a decision on its roll-out in the North after the equality impact assessment has been completed and all responses have been carefully considered. Plain English principles have been applied to the Department's recent publications, such as the booklet for the new countryside management scheme. Furthermore, as I mentioned previously, the application process was paperless and could be completed by telephone. I look forward to future improvements.

Mr Shannon: I thank the Minister for her response. However, the Minister did not mention individuals who want to improve their literacy by attending classes. Will she consider — as one method to improve adult literacy in rural areas — better and more accessible childcare facilities in the rural community? That measure would help people to attend classes.

The Minister of Agriculture and Rural Development: Absolutely. The Member knows that that issue is close to my heart. The Department wants to improve literacy levels and extend people's choices in rural communities in areas of education, training and work. If possible, we will establish that support.

The average level of literacy in the North lags behind the average on these islands. The Department recognises that that can pose problems for farmers, and I acknowledge the ageing population of the farming community and the challenges that it faces. The Department wants to examine its options in conjunction with its partners, such as the Department for Employment and Learning.

Mr Beggs: I welcome the Minister's comments on the use of plain English; that is essential to avoid

mistakes and unnecessary bureaucracy. Will the Minister ensure that forms are shortened in order to make them easier to complete? What proposals will the Department make to allow greater flexibility to farmers who make genuine mistakes when completing forms?

The Minister of Agriculture and Rural

Development: That issue concerns me. However, penalties for incorrect completion of integrated administration and control system forms and single farm payment forms are imposed by Brussels — the Department is not involved in the application of those penalties.

In conjunction with the Department of the Environment, DARD has established a working group to reduce bureaucracy and red tape and to make forms shorter and simpler. Where possible, we will try to make those forms easier for farmers, and others, to understand.

Rural Development Programme and Funding

7. **Mr Molloy** asked the Minister of Agriculture and Rural Development to outline the progress in establishing the new delivery mechanisms for axis 3 of the rural development programme; what elements of the wider programme will open; and when this will occur.

(AQO 105/09)

13. **Mr Ross** asked the Minister of Agriculture and Rural Development for an update on the distribution of rural development funding between council clusters.

(AQO 121/09)

The Minister of Agriculture and Rural

Development: With your permission, a Cheann Comhairle, I will answer questions 7 and 13 together.

Axis 3 of the programme has progressed well, and, to date, we have established seven council clusters and seven local action groups. Those groups have worked with consultants during the summer, and we have received seven local rural development strategies. I want to thank, publicly, everyone involved in the development of the strategies, including the rural stakeholders, local action groups, councils, councillors and consultants.

My officials have completed an initial analysis and have held meetings with lead councils and consultants to discuss the strategies and, where necessary, strengthen them. I hope that we will soon be able to improve the completeness of the strategies and enter into contracts for initial allocations of the funding that I previously announced in the Assembly. My officials reported that all areas are working towards opening calls and establishing the necessary structures to enable us to hit the ground running.

Axis 1 of the rural development programme is partly operational. The marketing grant process began

last December, and the recruitment of focus farms started last month. A tender process is under way for agents to deliver the remainder of the axis-1 project. Farm modernisation, benchmarking, supply chain and farm-family options — including reskilling — will open over the course of the next few months.

Mr Molloy: Go raibh maith agat. What effect does the Minister believe the present economic situation will have on the uptake of the axis-3 measure?

The Minister of Agriculture and Rural

Development: To help to promote the rural development programme and its uptake, it is important to promote the opportunities and benefits that can be derived from the programme under its various measures. To that end, an advertising and publicity campaign will be launched over the coming months aimed at advising farmers, rural communities and the public at large of the various funding measures that will be made available. Under axis 3, the campaign will highlight opportunities for rural people to avail themselves of funding to promote prosperity in local communities, create employment opportunities, encourage tourism and encourage sustainability through diversification projects.

As well as a centrally driven publicity campaign, local action groups and councils will be encouraged to promote axis-3 opportunities in their specific areas and to seek local applications for funding. As part of the Programme for Government, my Department was allocated £10 million to tackle rural poverty and social exclusion. My officials are working to develop a framework for the efficient and targeted allocation of that funding, building on the findings of research that was commissioned in spring 2008 and subsequent discussions with other Departments and stakeholders.

A range of priorities has been identified, including fuel poverty, rural transport and access, community development and rural childcare. Officials are developing potential programmes for those and more general poverty and exclusion issues that face rural communities. I hope to approve the final framework for action before the end of September 2008, with the first scheme — the rural childcare programme — launching before the end of the year. I also hope that actions to address rural fuel poverty — in conjunction with the Department for Social Development — can be implemented soon.

Mr Ross: It is fairly clear that there is a gross imbalance in the distribution of funding among the various council areas. Will the Minister inform the House whether an equality impact assessment was carried out in respect of the distribution of funding?

The Minister of Agriculture and Rural

Development: Many of the programmes that are administered by my Department are subject to equality impact assessments.

I believe that the Member was referring to the animation funds that were offered to councils to encourage them to set up programmes. Those allocations were based on a variety of measures and indicators to try to ensure that money went to areas that needed it most. From that point of view, there certainly was an equality basis to the process. We had to ensure that areas that were most financially deprived received the funding that was available to them.

Mr McFarland: How much of the axis-3 funding can be claimed for administration purposes through the delivery mechanisms?

The Minister of Agriculture and Rural

Development: I do not have that figure to hand. From memory, I think that it is about 10%. If all of that money is not used, it can be put back into programmes.

I have been advised that the figure is up to 20%. As I said, that money can go back into programmes if it is not spent on administration.

Bluetongue

8. **Mr Neeson** asked the Minister of Agriculture and Rural Development for an update on her Department's measures to protect against the bluetongue disease.
(AQO 91/09)

The Minister of Agriculture and Rural

Development: In light of the outbreaks of bluetongue in northern Europe since August 2006 and in England in September 2007, all susceptible animals imported from outside this island are isolated, housed and restricted on the farm of destination. Those animals are post-import tested twice before the restrictions are lifted.

Over the past month, the Department of the Environment, Food and Rural Affairs (DEFRA) identified four separate consignments of imports to England from the continent that contained bluetongue-infected animals. As a result, I re-emphasised my message to the industry here — the risks of importing must be carefully considered, particularly in order to assess the possible costs to the business of the importer and to the wider industry.

Following my announcement in May 2008 that I had decided to purchase a supply of vaccine for use in an emergency, my officials have been working with the vaccine manufacturer Merial to supply almost two million doses of vaccine. It is anticipated that the vaccine will be available in October 2008. However, under EU rules, a vaccine can be used only in an area that has disease and is part of a protection zone. It is, therefore, essential that farmers do not become complacent. The best preventative measure is not to purchase animals from bluetongue-affected areas.

I and my officials continue to liaise closely with our counterparts in Britain and the South to monitor the bluetongue situation. We are working closely with the South to co-ordinate our preventative actions to protect the entire island from bluetongue.

3.30 pm

CULTURE, ARTS AND LEISURE

Rural Library Services

1. **Mr Gardiner** asked the Minister of Culture, Arts and Leisure what plans he has to develop library facilities for the 34% of the population who live in rural areas, and are currently served by mobile libraries.
(AQO 35/09)

The Minister of Culture, Arts and Leisure (Mr Campbell): The mobile library service is currently served by a fleet of 29 mobiles, operated by the five education and library boards. The service is highly valued by its clients in rural areas, and I am aware that it provides a much-needed service.

When the Northern Ireland library authority is established, there will be business managers and district managers in each area with responsibility for developing and maintaining partnerships at a local level and with other statutory services and the community and voluntary sectors. The Department has provisionally profiled funding of £540,000 over the next two years for the purchase of mobile libraries, subject to business cases being submitted and approved.

There are no plans to make significant changes to the delivery of mobile library services in advance of the establishment of the new library authority in April 2009, which will provide a catalyst to review and develop current services that range from book lending to free Internet access and, in some areas in Fermanagh, post office services.

Mr Gardiner: I am disappointed with the Minister's response. I would prefer that he consider the matter now, because a high number of responses in the May 2006 rural-proofing report, 'Northern Ireland's Libraries: A Framework for Change', indicated that mobile libraries were the best option for rural populations. I would prefer that more work be put into that, and that more libraries, particularly in rural areas, should be established as soon as possible.

The Minister of Culture, Arts and Leisure: I am sorry that the Member feels disappointed. Perhaps I should outline the number and spread of mobile library provision: Belfast has two mobile libraries, plus one vehicle for nursing-home visits; the North Eastern

Education and Library Board has seven mobiles; the South Eastern Board has five mobiles; the Southern Board has four mobiles, plus two for housebound people; and the Western Education and Library Board, which, significantly, is much more rural than most other areas, has eight mobile libraries, three of which serve housebound people.

Of course, that provision will be subject to review, and representation can be made to the boards in advance of April 2009 and to the library authority after April 2009. Therefore, if the honourable Member or anyone else feels that more could be done in rural areas, I encourage them to make such representations, and their cases will be listened to.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. Has DCAL worked specifically with senior citizens' groups to promote the provision of mobile libraries in rural communities?

The Minister of Culture, Arts and Leisure: I mentioned several partnership areas, particularly in rural areas, in which the boards are attempting to promote partnership arrangements. Senior citizens' groups, although not exclusively, are among the most frequent users of mobile libraries, and they may make whatever representations they wish. The boards are keen to set up partnerships, such as those that I mentioned in Fermanagh, and I am sure that they would also be keen to do so in the honourable Member's constituency.

Mr Gallagher: I thank the Minister for his general commitment to the Library Service; however, given the number of libraries that have been closed in recent years, is he fully aware of people's fears and concerns about the service's future? Those people would like confirmation that there will be no further diminution of library services in rural areas. Will the Minister offer such an assurance?

The Minister of Culture, Arts and Leisure: I shall attempt to recap briefly, concentrating on the Member's area, which is covered by the Western Education and Library Board, but also the rest of Northern Ireland.

The South Eastern Education and Library Board, for example, recently discontinued visits to schools by public library mobiles. However, there may have been a perception by the board that the Western Board had started a new service when the Southern Board services had stopped. That is not the case. The Western Board added two new stops at schools to its existing schedule three years ago and now stops at 12 schools. The boards have informed me that there have been no significant changes to mobile library services in other board areas.

The South Eastern Board also has public library mobile stops outside five schools. That service is additional to the schools library service and operates

after school hours and outside school premises. I understand that there is some concern about the provision of library services, particularly in rural areas. I encourage Members and the public who have concerns to contact the relevant board if they feel it is not providing an adequate service. However, at the moment, there appears to be a reasonably adequate, well-used service. I hope that there will be no further library closures in Northern Ireland.

Cultural Venues: Summer Opening

2. **Mr Kennedy** asked the Minister of Culture, Arts and Leisure how many (i) museum; (ii) historic and (iii) heritage-related venues have been open to the public and tourists during the summer months.

(AQO 33/09)

The Minister of Culture, Arts and Leisure: Of the areas in which my Department has a direct interest — the National Museums and Galleries of Northern Ireland — the Member is aware that the Ulster Museum is closed for major refurbishment and will reopen in the summer of 2009.

The other sites in the national museums estate: the Ulster Folk and Transport Museum at Cultra, the Ulster American Folk Park at Omagh, and the Armagh County Museum have been open throughout the summer months and remain open.

My Department also has funding responsibility for the Armagh Observatory and Planetarium. Both the Armagh Planetarium and the Astropark at the Observatory have been open during the summer months.

With regard to other local and voluntary museums: information available to my Department indicates that 34 non-national museums were open, mostly for the summer months. Of those, 22 are open all year. The other 12 are seasonal and are open during the summer.

There are hundreds of other historical and heritage sites in Northern Ireland which are open throughout the year, the Giant's Causeway being the prime example. The Northern Ireland Environment Agency provides access to approximately 183 historical monuments and 13 natural heritage sites across Northern Ireland.

Mr Kennedy: I am grateful for that information.

The Minister is aware of the highly successful European Heritage Weekend that many people have recently enjoyed, which involved the free opening to the public of private buildings and historical sites all over Northern Ireland.

Will he undertake and investigate with his Department of the Environment ministerial colleague a possible extension of this popular and innovative initiative?

The Minister of Culture, Arts and Leisure: I thank the Member for his question, which raises a pertinent and topical issue.

The weekend past was the eleventh year in which Northern Ireland heritage sites have participated in the Europe-wide programme. The Member is right: Northern Ireland is deeply involved in the initiative. I urge all Members to take the opportunity to visit historical sites in their own areas. No MLA ever declines an opportunity for a photo call, which I am sure that the local press would be happy to facilitate.

I congratulate Armagh City and District Council for its participation in the event. I mentioned the Planetarium and the story of European space exploration. Therefore, the European Heritage Weekend scheme is excellent, it is in its eleventh year, and I am happy to accept the honourable Member's suggestion that I talk to my colleague at the Department of the Environment about how to recognise and expand the scheme in the future.

Mr Paisley Jnr: Will the Minister use his influence and position to urge the Ministry of Defence to develop a museum and heritage site at St Patrick's Barracks in Ballymena to reflect the role, activities and history of the Ulster Defence Regiment and the Royal Irish Regiment in that town? If necessary, will the Minister commit to providing some resource funding to enable such a project to go ahead?

The Minister of Culture, Arts and Leisure: I thank the Member for his innovative question; it is a project worth pursuing. We do not know what is planned for locations such as St Patrick's Barracks and other bases, but the principle of establishing a military-type museum there, with its long tradition, should be supported and recognised. I know, for instance, that the Ministry of Defence is already speaking to National Museums Northern Ireland.

At this early stage, I do not want to commit to resources that I may not be able to meet, but it is a worthwhile suggestion, and I am happy to facilitate any dialogue that may take place and to look at developments beyond those discussions.

Ms Lo: Does the Minister agree that the simultaneous closure of the Ulster Museum and City Hall is detrimental to tourism development in Belfast?

The Minister of Culture, Arts and Leisure: I thank the Member for her question. The closure of City Hall is a matter that she should take up with some of her colleagues, a number of whom, as well as being Members of this legislature, sit on Belfast City Council. It is difficult when large structures that are visited and used frequently by the indigenous population of Northern Ireland and by visitors must close for major renovation, particularly if they are in the same locality. I understand the Member's frustration at those closures.

One good thing is that the Ulster Museum will, it is hoped, reopen in about eight months — in time for the next tourist season. Belfast City Hall is a matter for the city council authorities, but it is hoped that those renovating such large, major structures that tourists visit will co-ordinate their work to ensure that domestic and overseas visitors experience the least disruption possible.

Mr Speaker: Question 3 has been withdrawn.

Shared History and Culture

4. **Dr McDonnell** asked the Minister of Culture, Arts and Leisure for his assessment of the upcoming commemorations of the Plantation of Ulster as an opportunity for greater understanding by communities of a shared history and culture. (AQO 120/09)

The Minister of Culture, Arts and Leisure: I encourage the use of the commemorations as an opportunity to enhance knowledge and understanding of an important period in our shared history and culture. My Department is involved in facilitating a variety of activities on the Plantation of Ulster, which include a documentary series, exhibitions and the publication of educational resources.

Dr McDonnell: I thank the Minister, not only for his answer but for his visit to my constituency of South Belfast on Saturday and for the useful work that he did there. Given the Plantation's historical importance and its global implications — in some ways, the Plantation of Ulster was used as a template for colonialism — does the Minister agree that it is important that our commemorations be academically based, properly funded and involve all communities? Does he agree that, in that context, they will represent an opportunity for community development and community relations here? If the commemorations are managed properly, they will have tremendous tourist potential.

The Minister of Culture, Arts and Leisure: I thank the Member for his question. I was happy to visit his constituency on Saturday. The MITRE Trust sports injury clinic at Musgrave Park Hospital is an excellent facility. I enjoyed the visit; it was tremendous.

3.45 pm

I hope that when the Member and others see the outline of the presentation on the Plantation of Ulster their concerns will be resolved. For example, the Ulster-Scots Agency plans to republish the Reverend George Hill's historical account of the Plantation of Ulster at the commencement of the seventeenth century. It will be accompanied by digital images of the Raven Phillips maps that are held by the Public Record Office of Northern Ireland. The Linen Hall Library is planning an exhibition of contemporary books and pamphlets, and it also plans to hold at least one public lecture.

We will also have presentations in other areas, and I hope that the Member's concerns will be eased by the professionalism of those holding the commemorations. I hope also that the Member will join me in ensuring that everyone plays their part in commemorating what was a most significant part of our history.

Mr Molloy: I thank the Minister for his answer. On the related theme of the Flight of the Earls — and Dungannon and South Tyrone Borough Council has done some work already relating to the Flight of the Earls and the Plantation — is the Minister prepared to meet the O'Neill Country Historical Society, which is based in Benburb, to discuss plans to mark battle sites and trails in that area? Such work would highlight both events.

The Minister of Culture, Arts and Leisure: The short answer is yes; of course I am prepared to meet that group and discuss its proposals. It is imperative that we try to ensure that the history of Northern Ireland — including its history in the mists of time — is done in a way that stacks up historically rather than being portrayed in the way that it sometimes is. I am more than content to have the meeting suggested by the Member.

Mr K Robinson: Will the Minister indicate the number and type of events that are being planned to mark the four-hundredth anniversary of the Plantation of Ulster? Will he indicate the geographical spread of those events and the bodies involved? Furthermore, will he confirm that BBC Northern Ireland and UTV will be encouraged to cover that anniversary in a way that mirrors their approach to the recent and equally notable anniversary of the Flight of the Earls?

The Minister of Culture, Arts and Leisure: I have already outlined some of the areas raised by the Member, and I hope that he heard that information.

I understand that Northern Ireland Screen is partly funding a documentary series on the Plantation. I hope that the anniversary will be represented across the area where the Plantation of Ulster occurred, and I look forward to seeing that happen. I expect any such representation to be accurate and to give us a broad view of the past 400 years so that everyone across Northern Ireland can feel that the representation is accurate and that the information presented in it stacks up.

I expect that the representation will be something that school children, as well as those of us who are much older, can see as portraying a sense of pride and a sense of belonging in our historical roots, which go back so much further than others do. I expect that to be the case and I certainly look forward to it, as I hope the Member does.

Mr McCausland: I welcome the Minister's recognition of the need for greater understanding of a shared history and culture. In that context, will the

Minister comment on the role of Loughmacrory gaelic football club in the recent twentieth anniversary commemoration of the deaths of three IRA terrorists at Drumnakilly? That commemoration included a children's GAA competition that was named after two of the terrorists, as well as events in the GAA club room. Does not such activity militate against the creation of a shared and better future?

The Minister of Culture, Arts and Leisure: I thank the Member for his question; he raises relevant and timely points. I hope that Members across the Floor of the House, as well as people from communities across Northern Ireland, will reflect on the issue that the Member has raised, just as I have done over the past few weeks. When there is positive movement among GAA clubs, it is right and proper that we welcome it, as I did on Saturday in south Belfast.

Equally, there should be no avoiding areas where there has been no progress, and where it would appear that a club's property is being used to commemorate acts of violence and terror. The Member has alluded to one such instance, and I have been informed of several more. In fact, over the past few weeks such has been the volume of incidents allegedly taking place on GAA property that I have written to the provincial director of the Ulster Council of the GAA, drawing his attention to the situation.

Where we see progress and people moving forward positively, we should, and have, recognised that progress. However, we must condemn those who refuse to move and situations where there are those who still appear to try and mix politics and throwbacks to violence with sport. I am awaiting a response from the GAA on those incidents. I hope that we can move into a future in which sport remains the preserve of athletes and where other issues are left in the past.

Some Members: Hear, hear.

Elite Facilities Programme

5. **Dr Farry** asked the Minister of Culture, Arts and Leisure for an update on implementation of the elite facilities programme. (AQO 94/09)

12. **Mr Burns** asked the Minister of Culture, Arts and Leisure how much public investment his Department intends to make on elite facilities in the lead up to the London Olympics. (AQO 72/09)

The Minister of Culture, Arts and Leisure: I will take questions 5 and 12 together with your permission, Mr Speaker. The elite facilities capital programme is a competition that is being managed by Sport Northern Ireland on behalf of my Department. Stage two of the programme was launched on 25 June 2008. Fourteen projects were short listed, and applicant organisations

have until 28 November 2008 to submit their outline business cases.

The range of facilities under consideration includes: cycling; fencing; table tennis; and volleyball. Also included are: basketball; sailing; athletics; rowing; tennis and equestrian facilities. North Down Borough Council has been selected as the preferred developer for the 50-metre swimming pool, and work is progressing on that project. The 2008-2011 budget provides around £145 million for all sports, including £111.6 million for capital funding, some of which has been provisionally assigned to the proposal to develop a multi-sports stadium. Sport Northern Ireland is responsible for the allocation of the capital budget and will work closely with project sponsors on the delivery of the programme.

Dr Farry: I thank the Minister for that very comprehensive answer. I am sure that he will join me in congratulating all of the competitors residing in Northern Ireland who had success at the Olympics with the British and Irish teams.

I declare an interest as a member of North Down Borough Council, specifically in relation to the aquatics centre. With respect to the generalities of moving forward on the elite facilities programme, I am conscious that the timescale between now and the 2012 Olympics is tight. Will the Minister assure the House that his Department will work closely with Sport NI to process the outline and final business cases as quickly as possible, thus ensuring that we can deliver as much as possible ahead of the Olympic Games?

The Minister of Culture, Arts and Leisure: I thank the Member for his question. I join with him in congratulating each of the competitors from Northern Ireland who performed so well. Preparation time is an issue that the Department is acutely aware of, and we will want to work closely with those who are successful at the end of November.

There has been much speculation about whether a velodrome will be built following the success of Wendy Houvenhagel, or whether different types of facilities will be built in other parts of Northern Ireland. When we reach 28 November, we will be clear about the likely outcome of the competition. At that time, the Department will be working speedily and comprehensively, building a delivery mechanism to enable us to take advantage of whatever we can get from the 2012 Olympic Games, whether that is providing facilities for training or for visiting teams.

A whole range of prospects is opening up for Northern Ireland in advance of 2012, and I have no doubt that the honourable Member's constituency is one that will take supreme advantage of that.

Mr Burns: I welcome the investment in the elite facilities programme for athletics, and I declare an interest as a member of Antrim Borough Council.

However, does the Minister agree that we must also seriously increase investment at grass-roots level, to encourage the next generation of athletes to become involved in sport in the first instance?

The Minister of Culture, Arts and Leisure: Again, the short answer is yes. The honourable Member refers to Antrim Borough Council, which has submitted an application for athletics that has progressed to stage two of the elite facilities capital programme. Progress will be made towards the end of November. However, I cannot comment on the success of that or the other applications. Yes, we must work closely to benefit as many athletes as possible in Northern Ireland. We have seen the success that concentration of effort and skill can deliver.

I was outside the Building today with karate enthusiasts who have returned with medals, and that is what can be achieved when excellence is married with the resource applied. We must, and will, deploy all the resources necessary to ensure that that success is replicated.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. I hope that the Minister will join me in congratulating our Beijing Paralympics competitors. Michael McKillop and Jason Smyth who have acquired gold medals in the past few days.

However, as regards preparing for such major competitions in the future, will the Minister concede that there is an east-of-the-Bann bias in the Department of Culture, Arts and Leisure? West of the Bann, facilities are not being earmarked for development for training centres or centres of excellence. I refer the Minister to Youth Sport Omagh, which has an eight-lane international-standard floodlit running track, Omagh Leisure Complex and, also in Cookstown, Mid Ulster Sports Arena. I would like the Minister to concede that there is an east-of-the-Bann bias in the geographical location of facilities being developed.

The Minister of Culture, Arts and Leisure: Coming from where I do, and representing the constituency that I do, that was one of the first questions that I put to officials when I saw the list. The answer is fairly straightforward and dramatic. Twenty-seven original applications were entered into the competition, and three were from the west of the Bann. Unfortunately, only the entry from Coleraine Academical Institution met the criteria. However, it is vital that sporting excellence is seen to be delivered right across Northern Ireland — north, south, east and west. The entire country of Northern Ireland should benefit.

Any individual or group, the other two unsuccessful applicants or anyone else who feels that there is the possibility of delivering some form of facility that can help develop sporting excellence, should pursue other potential funding opportunities with Sport NI. I, and

other MLAs who represent constituencies in the west, will do our best to try to progress those applications so that sporting excellence is spread across the country.

Mr McNarry: With the demise of the Maze stadium, will the Minister confirm that there will be more money set aside and available for other elite projects?

The Minister of Culture, Arts and Leisure: I thank the honourable Member for his question — even though it seems a little presumptuous. As yet, I have not made a statement about the Maze stadium. However, a paper will be prepared for the First Minister and the deputy First Minister to take to the next Executive meeting, which I hope will be sooner rather than later, and that will enable us to make progress.

4.00 pm

Whatever the outcome of the current process, we must ensure that all of those sports benefit. That outcome is very close and, hopefully, we will seal the deal by making the announcement very soon.

PRIVATE MEMBERS' BUSINESS

Republican Activity

Debate resumed on amendment to motion:

That this Assembly notes the increasing levels of Republican activity and violence throughout Northern Ireland; condemns such activity; and supports the rule of law, the courts, and the Police Service of Northern Ireland — [*Mr Elliott.*]

Which amendment was:

Leave out all after “of” in line 1 and insert

“violent dissident republican and continued loyalist activity and violence throughout Northern Ireland; condemns such activity; welcomes the increased level of political and community support for the PSNI in the face of this threat; and supports the rule of law, the courts, and the PSNI and looks forward to further asserting these principles through the devolution of policing and justice matters.” — [*Mrs D Kelly.*]

Lord Morrow: Needless to say, I support the motion. It is regrettable that there are some who seek to muddy the waters on the issue. The motion is a genuine attempt to address and articulate the serious situation that is developing in our country. It is regrettable that some seek to play politics with the matter. I refer particularly to the SDLP, who, rather than standing up and being counted, always duck and dive and try to give a reason why they cannot be precise in supporting a motion and condemning the IRA in whatever form.

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

The situation in our country is deteriorating by the day — an indication that the PSNI needs the full support of the community. Sinn Féin has told us that it supports the PSNI, but it has more to do — people are not judged on what they say but on what they do. The challenge facing Sinn Féin is to clarify what lengths it will go to to support the agencies of law and order. Does Sinn Féin support those agencies to the extent that its members are prepared to go to local police stations and give the names of those that they believe are involved in these activities? Those involved in such activity are either former colleagues or, perhaps, still colleagues of those in Sinn Féin. It strikes Members on this Bench that there is collusion — at the very least — between Sinn Féin, the Provos and the dissidents.

There have been a number of arrests in the immediate aftermath of very serious incidents but, significantly, no one has been charged. Thankfully, no one lost their life in Lisnaskea, but the situation could have been more serious. Police were responding to an emergency call and were ambushed by a rocket attack. The officers might have been murdered if the device had detonated properly.

After the incident, the Deputy Chief Constable announced that the bomb contained Semtex explosive

that had been owned by the Provisional IRA. One is left wondering how that Semtex got to the dissidents. The folk on the Benches opposite know who those dissidents are because they are either former colleagues or, as I have said, current colleagues. The Deputy Chief Constable said that the device was similar to those used during the Troubles. He thought that the Semtex looked like it came from old stock, and that it was Semtex which came into the Province around the time that the IRA got its supply.

We know that dissidents have had access to weaponry due to the passing of personnel. Therefore, I am not surprised that they have access to Semtex. I was led to believe that the IRA had put its weapons beyond use in an effort to embrace the new dispensation that we are hopefully entering into. If the SDLP and Sinn Féin want to clearly and unambiguously demonstrate their intolerance for violence, both now and in the future, the amendment should be withdrawn and the motion should have no ifs, ands or buts.

Members may want to score a few political points against one other, but this is neither the time nor the place to do so. I suspect that there will be plenty of opportunities to do so in the future. However, the SDLP should not play with people's lives. It should state clearly that it is on the side of law and order. The SDLP cannot be on both sides, because there is no place for that. The reasonable and rational response would be for the SDLP to withdraw its amendment and support the motion unequivocally. Much more could, and should, be said today, but time does not permit it. Five minutes is seldom long enough to explore the issues.

Ms Anderson: Go raibh maith agat. In supporting the amendment, I find it incredible that the motion makes no reference to the ongoing loyalist violence and criminality that remains a scourge on communities across the North. The last Independent Monitoring Commission (IMC) report to deal with loyalist activity — and the DUP and the UUP give much weight to those reports — concluded that mainstream loyalist organisations were continuing to engage in violent activity, including gun and bomb attacks. I did not hear the UUP or the DUP mention those attacks during the debate, but again, we were told that we should not mention any of that because to do so would only muddy the water.

The IMC report says that criminality is widespread among some of the organisations, and that it includes racketeering, loan-sharking and drug-dealing. I did not hear the DUP or the UUP mention any of those activities during the debate — let us not mention any of that; it would merely muddy the water. Loyalists continue to recruit and carry out punishment attacks and have shown no willingness to put their weapons beyond use — however, let us not mention all of that, for it is only muddying the water.

Mr Kennedy: Will the Member give way?

Ms Anderson: No.

Are the proposers of the motion not aware of all that, or do they find some violence more acceptable than others? Let me make it clear to everyone: as far as Sinn Féin is concerned, there is no place in this society for any violent or criminal activity whatsoever. Sinn Féin is equally clear in that it supports the PSNI, the rule of law and the court. I declare an interest as a member of the Policing Board that holds the PSNI to account and as someone who carries out their statutory responsibilities fully and effectively.

Sinn Féin is also clear in its condemnation of the armed actions carried out by so-called dissident republican groups. It is important to make a clear distinction between what the motion refers to as republican activity and the actions carried out by those micro-groups. I do not regard the actions of those organisations as republican activity. In the current political dispensation, there is an alternative to armed struggle. The actions being taken are futile — they are counterproductive and anti-republican. The attacks will not deliver republicanism's objectives, which is why the republican community has overwhelmingly endorsed Sinn Féin's strategy and rejected those micro-groups.

The people in our community and across the 32 counties of Ireland who support us recognise that the only republican activity that will achieve a 32-county socialist republic is the kind of activity being carried out daily by Sinn Féin activists the length and breadth of Ireland. As we all know, the days of majoritarianism are over. Political unionism does not do equality, power sharing or partnership government very well, despite signing up for it. Well, their days of one-party rule are also over.

With that in mind, I repeat Sinn Féin's call for organisations to desist from their activities and leave the stage. Sinn Féin leaders have stated that position publicly and consistently. After all, we are now in a new political dispensation, with equality, human rights and partnership arrangements at the heart of Government institutions. I hope that the debate will encourage unionist leaders to take the same robust approach when dealing with the ongoing violence that emanates from their community. Go raibh míle maith agat.

Mr Spratt: I support the motion. Over recent months, we have witnessed an escalation in attempts by dissident republicans to bring havoc, mayhem, injury and death back to the streets of Northern Ireland. The most recent incident was an attempted murder attack last week, which, but for the grace of God, could have resulted in serious injury or death.

As someone who served in the Royal Ulster Constabulary for more than 30 years, I know how

PSNI officers feel when they are being targeted by terrorists. The sole target group for dissidents are the PSNI men and women who are tasked with protecting us all. I wish to put on record my gratitude, and, I hope, that of everyone in the House for the efforts of PSNI officers who courageously go about their daily duties in the midst of such threats. For that reason, the proposed reduction in the transitional allowance paid to PSNI officers should be scrapped immediately. Our police officers continue to face a serious threat; therefore, the payment must continue to be paid at its current rate. I urge the security Minister to act immediately to stop the Police Negotiating Board's agreement from being implemented.

Individuals who target police officers endanger more people than just those officers; they endanger a farmer in rural Rosslea who discovers a bomb, a schoolteacher in Lisburn, or innocent passers-by driving through Lisnaskea on a Saturday night. Such individuals have no regard for the sanctity of human life. Furthermore, the dissident terrorist has no respect for the majority of Northern Ireland people. A return to violence is not what people in our communities want. They want the Assembly to exercise good government over them in a peaceful and stable environment. Of course, instability is exactly what will feed such organisations within dissident republicanism. That is why Sinn Féin should sit at the Executive table on Thursday and make decisions for the betterment of Northern Ireland.

Much of the dissident activity has been focused in the west of the Province. I spoke to my colleagues from Fermanagh and South Tyrone and to members of the public when I was in the area with my colleague Arlene Foster, and I know that they are alarmed and disgusted by the recent attacks in the Fermanagh area. The county has suffered greatly at the hands of the provisional IRA, and many of my former colleagues in the RUC paid the ultimate sacrifice. The last thing that the decent people of that county want is a return to violence on the streets. It is, therefore, vital that the proposed reduction in the number of police stations is not advanced in that area. Police stations provide a vital service to vulnerable border towns, and they offer an operational and physical, visible reassurance of every aspect of security.

I commend my party leader, the First Minister, for taking time to visit officers who suffered in the recent attacks in Fermanagh. Good morale among PSNI officers is vital, and his commitment and interest shown in the stories of those officers will be a significant morale boost to the force in general.

We do not want the peace on our streets to disappear. I hope that this week's events will show politics working effectively in this devolved Administration. I support the motion.

4.15 pm

Mr Kennedy: I am grateful for the opportunity to speak on this motion and to give it my full support. The motion is relevant to the wider debate about whether the Assembly and Executive should consider the devolution of policing and justice powers. It is essential that the Assembly and all the parties in it unequivocally and explicitly affirm their absolute and unwavering commitment to the democratic process, the rule of law and the maintenance and promotion of a stable and violence-free civil society in Northern Ireland.

Political maturity and a party's democratic credentials are deeply bound up with the reaction to the maintenance of good civil order. There must be more than just lip-service. A politically mature party must actively engage with the realities. Political maturity means more than just condemning violence and telling dissidents to "catch themselves on". It means working actively with the forces of law and order — the forces of law and order that belong to all peaceful political parties and who are governed by the political parties in the Assembly — to eradicate the dissident republican threat to democratic government and to the well-being and safety of all our citizens.

Serious issues were raised today by Mr William Frazer, who lives in my constituency and who has a public profile. It has been widely reported in the press that, in his view, the IRA was aware of a dissident republican bomb targeting the security forces in Jonesborough in south Armagh. Sinn Féin has risen to prominence on the back of IRA power; it achieved its place at the conference table through its proclaimed ability to end IRA violence. My constituent Mr Frazer alleges that the IRA was aware of the existence of a dissident republican bomb targeting the PSNI, and, although the IRA was not party to that activity, it appears that it did nothing about it, nor did it do anything to stop the bomb.

It is that lack of active, engaged and affirmative support for the Police Service and for the safety of the public that causes people in the unionist community to question the wisdom of transferring policing and justice powers at this time. Sinn Féin's attitude causes people in my community to ask, quite rightly, just what and who are we dealing with. The increase in dissident republican activity and its spread across the Province gives serious cause for concern. It does not create the right climate in which the transfer of policing and justice powers can be debated in the necessary cool and rational way.

The recent dissident republican bomb at Ballyskeagh, between Lisburn and Belfast, and other incidents in north Belfast and other parts of Northern Ireland, takes that activity squarely out of border areas and the west of the Province. It serves to remind us of the problem.

We should not need reminded, because what happens in the west of the Province and in border areas is as important as what happens in Belfast. People in the west and in the border areas very often feel that people in Belfast and in the east of the Province do not properly understand their alarm at republican activity. It is clear that after recent events, they do now.

I ask Sinn Féin what sort of example it is setting. It is holding up meetings of the Executive and the business that affects the lives of ordinary men and women on all sides of the community divide in Northern Ireland.

The political instability that Sinn Féin is generating gives comfort to dissident republican gunmen and bombers. That party should give a signal that it respects the integrity of the Assembly as a democratic institution, and does not regard it purely as a bargaining counter in its ongoing political negotiations. I support the motion.

Mr O'Loan: I support the amendment because I and my party believe that it will make for a better resolution. We believe that the original motion is slackly worded in its reference to "republican activity", and conspicuously fails to include reference to loyalist paramilitarism. The motion, as amended by the SDLP, is equally strong. I believed that it would be accepted by the whole House, and was surprised to hear what Lord Morrow said. Before he spoke, I believed that the amendment was going to command the support of the House generally.

I ask Lord Morrow not to divide the House on the issue, because that will not send out a good signal from the Assembly. The SDLP amendment is absolutely strong in its condemnation of paramilitary violence from all sources, and I ask the Member to give the support of his party to that amendment.

It is most regrettable that we are discussing such a motion 14 years since the first IRA ceasefire. A loyalist ceasefire came soon after, with words, we recall, of "abject" apology. The matters that are under discussion belong in the past, but there is good reason to discuss a motion on continued activity by paramilitary groups, because it remains a very serious problem. As well as the obvious serious threat to life, a number of serious incidents have occurred over recent months.

The latest IMC report states that there has been one victim every five days. There have been shootings, bombings, and the use of incendiary devices. The PSNI reports that there have been 46 such incidents in just a four-month period, up to July of this year. Both dissident republican and loyalist paramilitary groups are active, albeit in significantly different ways.

Dolores Kelly rightly referred to the devolution of policing and justice. I shall refer more generally to the connection between organised violence and the stability of the political institutions. There is such a

connection; it is not a simple one of cause and effect, but it is nonetheless, real and important.

There is rarely such a thing as mindless violence — it has a context. The more successful we make the political project, the more it is seen to be solving our social problems. The more politicians of all parties are seen to work together, the less space there is for others to argue that violence is the only dynamic for change. The failure of the two parties in OFMDFM to co-operate is leaving an empty space, which others will use for their own ugly purposes.

I will comment separately on republican and loyalist activity. One should never forget the extent to which dissident republicans are driven by political ideology. They fundamentally believe in the illegitimacy of Northern Ireland, and the Irish state, and that they have inherited the right to oppose the status quo by force of arms. They are prepared to risk their lives for that belief, and are prepared to take the lives of others, including civilians.

We cannot and should not forget that we have recently marked the tenth anniversary of the Omagh bombing. That bomb was deliberately planted in the street of a busy market town on a Saturday afternoon. I am entitled to remind Sinn Féin that, for many years, they used exactly the same language, and shared the ideology, of the dissident republicans.

Earlier today, I heard Conor Murphy condemn the 100 lb bomb at Jonesborough, using exactly the same words that the SDLP used in relation to the IRA. I mention that because more needs to be heard from Sinn Féin to demonstrate that it has fully repudiated the ideology of violence. I noted what John O'Dowd said earlier in the debate, when he rightly said that republican activity is a perfectly legitimate form of political activity, but that violence is not, and that he had no difficulty in condemning violent activity. However, much of what comes from Sinn Féin, particularly in the way in which it deals with the past — or fails to deal with the past — and how it deals with commemorations relating to the past, stands in stark contrast and contradiction of that language. We need to hear from Sinn Féin clearly that violence never is — and never was — the way forward.

John Hume was right when he said that Ireland consisted of its people and that they would be united only by agreement. Dissident republicans are determined in their attempts to murder police officers. I condemn that and pray that they never succeed. However, should they ever succeed, the Assembly must not be drawn into an inappropriate response.

Mr Deputy Speaker: Will the Member conclude his remarks?

Mr O'Loan: To deliver fully its political role and functions, the Assembly must leave the actions of all paramilitaries to one side.

Mr Moutray: I represent one of the areas where the upsurge in republican violence has been most noticeable. In Craigavon, we recently witnessed disgraceful scenes where, using tactics that they learned from the Provisional IRA, dissident republican groups sought to lure the police into the area with a message about a suspect device and employed young people as a decoy so that gunmen could open fire on the police.

I condemn and denounce such activity that takes us back to the dark days when such events were a regular occurrence. I empathise with the victims of that particular crime and those who sustained injuries. I commend the police on their handling of the escapade and their attempts to safeguard the local community — their officers were functioning and operating in a difficult and volatile environment.

On this occasion, cars were damaged, people and police officers were pelted with petrol bombs, blast bombs, stones and bottles but, most distressingly, the lives of officers were put at risk when live rounds were fired. That is totally unacceptable, and I wholeheartedly support the PSNI and the courts in their attempts to implement the rule of law and bring those who participated in such activity to justice, not only in Craigavon but across Northern Ireland and beyond.

The legacy left by the past of mainstream Irish republicanism continues to haunt the people of Northern Ireland. Although moving on is paramount, we must not forget what has gone before. That past still casts a long shadow over the Province, which is further reason for the remaining vestiges of the republican movement's structures to be put away for good. The debate affords an opportunity for the House to speak with one voice. For some Members, voicing condemnation of such violence and demonstrating support for the rule of law, the courts and the PSNI will come very easily.

Mr Shannon: Does the Member agree that the meetings between the First Minister and leading members of the DUP with loyalist paramilitaries, which were held to try to take the guns out of circulation and out of politics, show a commitment by the DUP and unionism to reduce loyalist violence? Does he also agree with Hugh Orde's statement that the main threat to peace in Northern Ireland is from dissident republicans?

Mr Moutray: I concur with my colleague's comments. I have no hesitation in condemning violence, regardless of its source.

At times, democrats will criticise individual officers, operations and decisions made by police personnel, but we will support both the police service and those who risk so much to deliver that service. For others, that is

a relatively new experience. It is good that, instead of giving political cover to those who murder police officers, Sinn Féin has begun to condemn such people. However, it should never have been any other way — they should not expect praise.

There are people who appear utterly incapable of ever living side by side with their neighbours. There are those who have no faith in the strength of their arguments, no regard for the will of the people and no confidence in the democratic process. Such people still believe that death and destruction is the way to achieve their ends — they are wrong. Just as the Provisional IRA were wrong, the dissident republicans are wrong. It is the duty of all democrats to condemn them. That is right and proper and must be reaffirmed in the debate.

4.30 pm

It is also the duty of all democrats to support the legitimate forces of law and order in the pursuit of such people. That must include support for investigation and for the use of intelligence, apprehension of suspects, operation of the courts and imposition of sentences that match the severity of the crimes that have been committed. It must also include a call from the Chamber for the maximum possible sentence to be imposed on those who are responsible for those activities. My party has no difficulty in signing up to all of those elements. I hope that every side of the House will do likewise. I support the motion.

Mr Armstrong: I welcome the debate and the opportunity to contribute to it. When Sinn Féin endorsed the Belfast Agreement in 1998, splits emerged in the republican movement. It became clear that there were elements that were unhappy with the prospect of a return to Stormont and the sight of Sinn Féin Ministers administering British rule in Northern Ireland on behalf of the British Crown.

Shadowy groups emerged, such as the Continuity IRA and the Real IRA. The Omagh bombing gave a terrible demonstration of the devastation that could be created by a relatively small number of fanatics who have little support. The past 10 years have been relatively peaceful — certainly, more peaceful than the three preceding decades. That has largely been due to the sterling work of the security forces, who have worked tirelessly to ensure that people who advocate violence for political ends are not given the opportunity to regroup and impose their will on the rest of us. I pay tribute to the bravery of all the people who played their part throughout the years — not least the men and women of the RUC and the UDR, with whom I served for 14 years during the height of the Troubles — in defending society from fascists who seek to impose their will through the use or threat of terror and the force of arms.

Mr T Clarke: Does the Member agree that his party made a huge mistake when it signed up to the agreement which let terrorists out of jail? Had those terrorists still been in jail, there would not be so many active dissidents now.

Mr Armstrong: In 2002, we brought down the Executive, and we were not going to go back until —

Mr T Clarke: You let them out of jail.

Mr Armstrong: OK, right.

In recent times, a worrying trend has emerged. There has long been an undercurrent of violence and intolerance among republicans, particularly younger elements, which manifests itself in attacks on Orange Halls. However, there are clear signs that much more serious and sinister developments have taken place.

Since March 2008, so-called dissident republicans have attempted to murder eight police officers. There have been gun attacks on police officers in Londonderry, Dungannon and Craigavon, and a rocket attack on police officers in Lisnaskea. Last Wednesday, an attempt was made to plant a bomb under a policewoman's car in Lisburn. Orchestrated rioting has been witnessed in Londonderry and Craigavon; firebomb attacks in mid Ulster; and illegal activity in Ballymena.

Only last Saturday, in a chilling throwback to the days of the bandit country, a bomb consisting of 100 lbs of Semtex was discovered in Jonesborough in south Armagh. It is clear that there are members of the republican and nationalist community who do not want their own people to live normal lives or to benefit from normal policing. Community leaders in those areas must work to ensure that ordinary people have a voice and that it is heard.

Terrorism has nothing constructive to offer anyone in Northern Ireland. It never did. It is the duty of everyone who wants a normal society in Northern Ireland to give their full support to the PSNI and to pass to it any information, however small. It is also imperative that the full force of the law is brought down on those who seek to hold Northern Ireland to ransom and to drag it back to the awful past from which it has only just started to emerge.

The police must be free to pursue anyone, however politically inconvenient it might be. The courts must also ensure that the punishment fits the crime and put those fascists away where they can do no more damage.

Mr Irwin: Members will agree that dissident republicans pose a significant threat to the safety of everyone in Northern Ireland. In my constituency on Saturday, a roadside bomb was discovered outside Jonesborough and defused by Army bomb-disposal experts. It is obvious that those who planted the bomb were intent on murdering PSNI officers. That is a totally despicable and disgraceful act. The device did

not explode and no one was injured: we thank God for that. The community in the surrounding area now has a duty to assist the PSNI in tracking down those responsible for the device and to ensure that they face the full rigour of the law.

Those who planted the device are described as "dissident republicans" and they have been active in south Armagh and across the Province. The PSNI has been successful in thwarting many planned attacks; however, we must be alert to the fact that such ruthless individuals may one day slip the net and cause carnage. The threat that they pose is not simply to the police: the danger is to anyone and everyone, and therefore the onus is on communities in which such individuals are known to assist the PSNI to get those criminals off the streets.

We think of the booby-trap bomb planted in Lisburn last week. Had it exploded, it would have been catastrophic and might have resulted in the loss of a life.

For many years, the police came up against a wall of silence in parts of my constituency when they investigated terrorism. Communities wrongly chose not to break that silence: no doubt some individuals were afraid to speak. Times are changing, and information is more forthcoming: the PSNI can confirm that, no where more so than in south Armagh. The challenge to the community in south Armagh, and throughout all of Northern Ireland, is to give a clear message to dissident republicans that they have no safe haven anywhere and that they will not be tolerated. Democracy demands it and lives depend on it.

I support the motion.

Mr G Robinson: I ask the party opposite to use its undoubted influence to stop dissident republican activity recurring. In recent days, my party and others have demonstrated their commitment to ensuring a peaceful future by playing an active role in encouraging and supporting those who wish to use violence to leave it in the past. I urge the party opposite to do likewise. I appreciate that one of its north Antrim members can speak from personal experience about assault, and I hope that he will demand a stop to assaults such as he and others have suffered.

There is also a major problem in that the unionist community feels that it cannot accept devolution of policing and justice to a local Minister as long as republican activity continues. When they see the party opposite refusing to participate in meetings of the Executive, I understand why my constituents tell me that they feel that they are being subjected to blackmail and bullying. They consider that to be undesirable republican activity. I assure unionists that my party will not be blackmailed or bullied by childish behaviour.

Over the summer, there were several attacks by so-called dissidents, the most serious of which have

involved the attempted murder of PSNI officers. I challenge Members opposite to stand as one and demand the cessation of dissident republican violence and to work in communities to achieve that. By that I mean reporting all violent acts and giving the names of culprits to the appropriate authority — the PSNI.

I am more than happy to state publicly my support for our policemen and policewomen; I applaud them for the job that they do, often in difficult circumstances; and I demand a stop to the murderous attempts on their lives and on those of others.

I support the motion.

Mr A Maginness: I thank the Alliance Party for supporting the SDLP amendment. I understand the reservation expressed by the Ulster Unionist Party in relation to it, which concerns the devolution of policing and justice powers — something that it found unacceptable. Of course, we differ from the Ulster Unionists in that, but we understand that they agree with the substance of the amendment, leaving aside the issue of devolution of justice and policing powers.

It has been an interesting debate, in which Members have firmly expressed their opposition to political violence from whatever quarter, whether from so-called dissident republicans or loyalists. Violence does nothing to assist the situation. Rather it makes the situation much worse: it destabilises political progress; it ruins people's lives; young people end up in prison; people are wounded or killed; property is damaged; and communities become divided once more. We do not want to see that recur.

Ms Anderson said that, as far as republicans are concerned, there is now an alternative to the armed struggle. There has always been an alternative. There should never have been an armed struggle in the first place. Nonetheless, one accepts that, in the context of Sinn Féin and where that party is at present, that statement represents the position that it now holds. In unequivocal terms, John O'Dowd and Ms Anderson expressed their abhorrence of the political violence perpetrated by loyalists and, in particular, republican dissidents. That should be welcomed as a valuable and important issue to arise from the debate. One should not carelessly carp or criticise that.

It is important that we move forward in the new political dispensation. If we ruin the new political dispensation through fighting, bickering and quarrelling, and by failing to resolve, and compromise on, issues, we will poison the atmosphere and create a situation in which those people, whether they are dissident republicans or loyalist paramilitaries, can thrive. That will be a consequence of our failure to create a successful and genuine partnership. I have said before that if we use the language of ill will in the Chamber, we create a poisonous atmosphere outside. Let us be mindful of

the language that we use. Let us create goodwill through the institutions instead of ill will, which we are creating at the moment.

I do not believe that a meeting of the Executive on Thursday will change the minds of dissident republicans — far from it. They are not interested in that; rather they are interested in the success of this project. If this project is successful, such groups will have no future whatsoever. However, if this project is unsuccessful they will have a future. That is the problem; if we allow society to slip back to violence, we will reap a terrible dividend.

This has been an important debate because it has isolated those in the community who continue to support political violence. It is important that our amendment be accepted. I once again entreat Members to accept the amendment, because it gives the motion shape and form. As Dr Farry said, it makes the motion more rounded, because it focuses on aspects which are absent from the main motion.

We have made political progress; let us not throw that away or give the people who malignly hope to undermine that an excuse to do so. Let us move forward. I welcome support for the amendment. I welcome the condemnations of violence from all round the House. It is important that we stand up against the anti-democratic forces that wish to divide the community once again.

4.45 pm

Mr McNarry: It is probable that those intent on provoking a resurgence of terrorism are the same or close to those republicans who planned and caused the carnage in Omagh town. The same people are close to republican terrorists who mingle with us now in our cities, towns and villages. They are close to murderers, about whom the BBC's 'Panorama' programme will tonight disclose key evidence, previously withheld, which points to Government Communications Headquarters (GCHQ) mobile-phone monitoring at the time of the Omagh bomb having failed to be passed on to RUC detectives. We will have to see that programme before we can confirm in our minds the trailers that we have been listening to.

In light of tonight's 'Panorama' programme, without being presumptuous, it would surely be a serious, missed opportunity for the Assembly, were its Members not soon to join together in calling for an inquiry likely to satisfy, and meet with the approval of, the families of the victims of the Omagh atrocity. We tried before, when the five Whips of the main parties met. We could not agree because Sinn Féin would not agree to a five- and all-party motion being brought before the House. Surely this time we will get it right and agree to come together.

Would it not be strange if this Assembly did not make a clear and unequivocal statement at this time about the threat of terrorism? Alban Maginnis has said that we should not let things slip. Slip? Who is going to let things slip? What do we do if things slip? Go back to where we were, or tolerate the threats that have been implied throughout this debate? No. We need more than clarity. We need to see this secured.

Is it not correct that, in addressing the threat posed by increasing republican activity and violence across Northern Ireland, we address the motion as it is today, which offers the Assembly a clear, unambiguous occasion in which to make a dignified statement? Moreover, it affords us the chance to reaffirm as the House — the House of representatives — our explicit support for the rule of law, the courts and the Police Service of Northern Ireland. I have used the words “across Northern Ireland” advisedly, because I refer to republican violence. Only last week, we saw the first evidence of republican activity extending outside the border areas and the west of our country into Ballyskeagh, which lies between Lisburn and Belfast.

That is what I have written in preparation for this speech; however, when dealing with terrorists, additions have to be made. The addition, which has been referred to by my colleagues, and in particular my colleague Danny Kennedy, is that only last night they came again into Jonesboro — back to the border areas.

It is important, therefore, that the Assembly affirms its belief in democracy and the rule of law. If we are to do that, then we must practise it. The failure of the Executive to meet over the summer and transact public business has helped to create a power vacuum in which republican terrorists can operate, have operated and will continue to operate, because that vacuum is like lifeblood to them.

It seems to say that democracy is not working; it is not delivering. It seems to say that democracy is falling down and is not effective. That is entirely the wrong message to send out from this House.

Earlier today, Mrs Kelly spoke and, very eloquently, proposed the amendment. Nevertheless, I have to ask: when is a republican a republican? Mrs Kelly seemingly wanted to demonstrate that SDLP republicans — and they claim that they are republicans — are different from Sinn Féin republicans, which in turn, seem to be different from so-called dissidents.

David Simpson took up that point, and he put the question back succinctly when he spoke about the level of sectarian malice that has always emanated from republican terrorists and will continue to do so. David Simpson named all the groups; he put all the republican groups together. Why did he do that? Was it so that we have to start all over again, with those groups going back to the one that they came from?

That would be to go back to more murder, more hatred, and more — as we saw only last night — of what could have happened. However, it is not more and it is not anything to do with what the people want. The people are asking — indeed, have been demanding — that all that be left behind. We must put a stop to any such notions of going back.

Mr A Maginness: Will the Member give way?

Mr McNarry: I am sorry, no.

I regret that John O’Dowd talked about Irish republicanism’s legitimate voice. Has there been, or will there ever be, a legitimate republican voice that has not made itself illegal because of its attachment to violence and to murder? Only a few weeks ago, when houses were being flooded, the question of the troops assisting arose. Mr O’Dowd’s Irish republicanism could not allow troops to come in to help people; he said that they would not be welcome — such a shame.

I understand where Stephen Farry is coming from. He made the point that he supported the motion and that he would support the amendment as well, so we will see how he votes the first time around. He made the distinction between dissidents and former IRA. Perhaps later he will tell me to which former IRA he refers. The IRA is not former; it is still in office. According to some, they have said that it must desist and go away, but we have not heard anyone from that side of the table say that the IRA must disband — and “disband” is the key word.

I say to those unable or unwilling to understand unionists that we call loyalists, loyalists. To us, a republican terrorist is a republican terrorist. There is no differentiation between definitions. That is why our motion is explicit: we are alarmed at the increase in republican terrorist activity. How can others really, truthfully and convincingly move on when republican terrorists are active? Such a notion — and this must be taken on board — cannot be sold to unionists and has not yet been bought by them.

I would like to take this opportunity to thank all those who contributed to the debate. This is, of course, the place to reject and repudiate republican terrorist violence, and to do so in the way that we have done today — in a non-violent manner.

I ask the House not to divide — I ask Members to support the motion.

Question, That the amendment be made, put.

The Assembly divided: Ayes 39; Noes 49.

AYES

Mr Adams, Ms Anderson, Mr Attwood, Mr Boylan, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Brolly, Mr Burns, Mr Butler, Mr W Clarke, Mr Doherty,

*Mr Durkan, Dr Farry, Mr Ford, Mr Gallagher,
Mrs Hanna, Mrs D Kelly, Ms Lo, Mr A Maginness,
Mr A Maskey, Mr P Maskey, Mr F McCann,
Ms J McCann, Mr McCartney, Dr McDonnell,
Mrs McGill, Mr McGlone, Mr M McGuinness,
Mr McKay, Mr McLaughlin, Ms Ni Chuilin, Mr O'Dowd,
Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey,
Ms Ritchie, Ms Ruane.*

Tellers for the Ayes: Mr O'Loan and Ms S Ramsey.

NOES

*Mr Armstrong, Mr Beggs, Mr Bresland, Lord Browne,
Mr Buchanan, Mr Campbell, Mr T Clarke,
Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Dodds,
Mr Donaldson, Mr Easton, Mr Elliott, Sir Reg Empey,
Mrs Foster, Mr Gardiner, Mr Hamilton, Mr Hilditch,
Mr Irwin, Mr Kennedy, Mr McCallister, Mr McCausland,
Mr I McCrea, Dr W McCrea, Mr McFarland,
Mr McGimpsey, Miss McIlveen, Mr McNarry,
Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton,
Mr Paisley Jnr, Mr Poots, Ms Purvis, Mr G Robinson,
Mrs I Robinson, Mr K Robinson, Mr P Robinson,
Mr Ross, Mr Savage, Mr Shannon, Mr Simpson,
Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.*

Tellers for the Noes: Mr Armstrong and Mr Shannon.

Question accordingly negatived.

Main Question put and agreed to.

Resolved:

That this Assembly notes the increasing levels of Republican activity and violence throughout Northern Ireland; condemns such activity; and supports the rule of law, the courts, and the Police Service of Northern Ireland.

Adjourned at 5.07 pm.

