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# Northern Ireland Assembly

Monday 7 June 2010

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

*Members observed two minutes' silence.*

## Private Members' Business

### Petition of Concern: Gaza

*Motion proposed [4 June]:*

*That this Assembly, conscious of the presence of Nobel laureate Mairead Corrigan Maguire on board the MV Rachel Corrie, calls on Israel to conform with international human rights norms and joins with the British and Irish Governments in condemning the disproportionate actions by Israel earlier this week; recognises that every nation has the right to defend itself but that each nation also has a responsibility to respect and comply with international law; and further calls on Israel to ensure that humanitarian efforts in Gaza are facilitated, that an immediate end to the blockade is effected and that the MV Rachel Corrie is given safe passage to Gaza. — [Mr McHugh.]*

**Mr Speaker:** Order. I remind Members that a valid petition of concern was presented on Friday 4 June on the motion that was debated on that day. Under Standing Order 28, the vote could not be taken until at least one day had passed. The vote will, therefore, be taken as the first item of business today. I also remind Members that another effect of the petition of concern is that the vote on the motion will be on a cross-community basis.

*Question put.*

*The Assembly divided: Ayes 40; Noes 40.*

### AYES

#### Nationalist:

*Ms Anderson, Mr Attwood, Mr Boylan,  
Mr D Bradley, Mrs M Bradley, Mr P J Bradley,  
Mr Brady, Mr Burns, Mr Butler, Mr W Clarke,  
Mr Doherty, Mr Durkan, Mr Gallagher,  
Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Leonard,  
Mr A Maginness, Mr P Maskey, Mr F McCann,  
Ms J McCann, Mr McDevitt, Dr McDonnell,  
Mrs McGill, Mr McGlone, Mr M McGuinness,*

*Mr McHugh, Mr McLaughlin, Mr Molloy, Mr Murphy,  
Ms Ní Chuilín, Mr O'Dowd, Mr P Ramsey,  
Ms S Ramsey, Ms Ritchie, Ms Ruane.*

#### Other:

*Dr Deeny, Dr Farry, Mr McCarthy, Mr Neeson.*

*Tellers for the Ayes: Dr Deeny and Mr McHugh.*

### NOES

#### Unionist:

*Mr Armstrong, Mr Beggs, Mr Bresland,  
Lord Browne, Mr Buchanan, Mr Campbell,  
Mr T Clarke, Mr Craig, Mr Cree, Mr Dodds,  
Mr Easton, Mr Elliott, Sir Reg Empey, Mrs Foster,  
Mr Gardiner, Mr Hamilton, Mr Hilditch, Mr Irwin,  
Mr Kennedy, Mr Kinahan, Mr McCausland,  
Mr McClarty, Mr I McCrea, Miss McIlveen,  
Mr McQuillan, Lord Morrow, Mr Moutray,  
Mr Newton, Mr Poots, Mr G Robinson,  
Mr K Robinson, Mr Ross, Mr Savage, Mr Shannon,  
Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.*

#### Other:

*Mr Lunn.*

*Tellers for the Noes: Mr McClarty and Mr Spratt.*

Total votes	80	Total Ayes	40	[50.0%]
Nationalist Votes	36	Nationalist Ayes	36	[100%]
Unionist Votes	39	Unionist Ayes	0	[0.0%]
Other Votes	5	Other Ayes	4	[80.0%]

*The following Members voted in both Lobbies  
and are therefore not counted in the result:  
Mr McCallister, Mr B McCrea, Ms Purvis.*

*Question accordingly negatived (cross-community  
vote).*

### 12.15 pm

**Mr Poots:** On a point of order, Mr Speaker.  
Will you clarify whether you have any power to  
reject a motion to call a special sitting of the

Assembly, particularly when its subject does not deal with matters over which the Assembly has any power? On Friday, we were debating foreign affairs, which is dealt with at the Mother of Parliaments at Westminster, which Sinn Féin Members are elected to attend and choose not to. We would be much better dealing with education, health and environmental issues than getting involved with an issue on which we have no power to act.

**Mr Speaker:** Other Members have asked that question. Under Standing Order 11, the Speaker has no role to play whatsoever.

**Mr Campbell:** Further to that point of order, Mr Speaker, you have been very clear there. Does that mean that, if the required number of MLAs were to submit a requisition for a debate on something completely spurious and outwith any control or remit of the Assembly, we would have to meet?

**Mr Speaker:** The answer is yes. If 30 Members were to sign a petition of concern to call a meeting of the Assembly, I, as Speaker, would recognise that a fairly large proportion of Members had a deep concern on an issue and felt that to call a sitting of the Assembly was the only way forward. That is made clear under Standing Order 11. I will take a final point of order on the subject from Mr Dodds.

**Mr Dodds:** Further to that point of order, Mr Speaker, the recalling of the Assembly, although within the rules, smacks of a situation in which the rules may need to be looked at. Will you clarify whether the matter will be looked into? Although it may be in order, the public see it as a ludicrous position, and, therefore, the Standing Order needs to be revised and revised early.

**Mr Speaker:** It is a matter for the Committee on Procedures to decide how it might deal with Standing Order 11. Other parties or Members may wish to use the same Standing Order to recall the House on another occasion. The House has been recalled in the past when there have been 30 signatories to a motion. The issue needs to be dealt with elsewhere. Under Standing Order 11, the Speaker has no discretion to act when 30 Members present a petition to recall the Assembly.

**Dr Deeny:** On a point of order, Mr Speaker. I refute completely Mr Dodds's comments. The issue is of great public concern, and should the House not concern itself with global issues of

humanitarian concern? Surely we cannot sit and watch the world through Six County glasses.  
*[Interruption.]*

**Mr Speaker:** Order. I ask the Member —  
*[Interruption.]* Order. Let us have some order in the House.

**Dr Deeny:** We should discuss issues of humanitarian concern.

**Mr Speaker:** I ask the Member to resume his seat. Let us move on with the business of the House.

## Assembly Business

### Suspension of Standing Orders

**Mr Weir:** I beg to move

*That Standing Orders 10(2) to 10(4) be suspended for 7 June 2010.*

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

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That Standing Orders 10(2) to 10(4) be suspended for 7 June 2010.*

**Mr Speaker:** The motion has been agreed, so today's sitting may go beyond 7.00 pm, if required.

## Executive Committee Business

### Employment (No. 2) Bill: First Stage

**The Minister for Employment and Learning (Sir Reg Empey):** I beg to introduce the Employment (No. 2) Bill [NIA 24/09], which is a Bill to make provision about the procedures for the resolution of employment disputes and the procedures of industrial tribunals and the Fair Employment Tribunal; to make provision in relation to time off for study or training; and for connected purposes.

*Bill passed First Stage and ordered to be printed.*

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

### Commissioner for Older People Bill: Second Stage

**The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly):** I beg to move

*That the Second Stage of the Commissioner for Older People Bill [NIA 21/09] be agreed.*

I am very pleased that the Commissioner for Older People Bill has been introduced and is being debated in the Assembly today. We are delighted that people here are living longer. Older people make a valuable contribution to our society. Some older people continue to work, while others support their family by providing childcare and caring for relatives who are ill. The active volunteer sector in our society is greatly enriched by the major contribution made by older people.

We should all acknowledge our gratitude for the part that older people play in helping our society move forward. However, research indicates that many older people are vulnerable members of our society. The most recent figures available show that 28% of pensioners live in poverty. In the most recently available estimates of fuel poverty, no less than half of pensioners were suffering fuel poverty. In 2007-08, some 62% of older people aged 65 to 74 reported having a long-standing illness. For the 75 and older group, that percentage increased to 67% for males and 72% for females. For the population generally, the figure was 38%. Older women in

particular face specific challenges. Some 27% of women in their seventies and 45% of women over 80 suffer from mobility difficulties. What is more, older people represent an ever-growing percentage of our population. Estimates suggest that, by 2041, some 42% of the population here will be aged 50 or over. Persons of pensionable age will represent 25% of the population, and the number of those aged 75 and over will double to at least 14% of the population. Across these islands, we are predicted to have the largest percentage increase in the number of people aged over 50, 60 and 75.

Given those estimates and the fact that we now have a greater awareness of issues related to older age, the Executive committed in the Programme for Government to provide a strong, independent voice for older people. In doing that, we recognise and pay tribute to the excellent work being undertaken by, for example, our health and social care trusts, Age NI, the Age Sector Platform and many other local groups that provide a first-class service for older people.

To get a clearer picture of what older people need and in order to hear their views and those of their representative groups, the First Minister and deputy First Minister asked an independent firm to look at the case for and the potential roles and responsibilities of an independent Commissioner for Older People. In May 2008, the final report was produced. It recognised the excellent work of regulatory and scrutiny bodies here, such as the Equality Commission, the Northern Ireland Ombudsman and the Regulation and Quality Improvement Authority. However, it concluded that there was no one body that had the concerns of older people as its primary focus. Moreover, none of the existing bodies has the range of functions and powers that we propose to give to the Commissioner for Older People.

For many older people, a commissioner with strong powers will provide them, for the first time, with a body that truly understands the difficulties facing older people and has the powers to bring about change to improve their lives. We believe that there is a clear need and strong support for a Commissioner for Older People, with a range of functions, powers and duties. The Age Sector Platform's 'We Agree' campaign has attracted widespread support for a strong commissioner, and the public consultation on our proposals and the draft Bill

received significant attention and demonstrated strong public support for our proposals.

Ultimately, we want the establishment of a commissioner to mean that there will be someone to stand up for older people, to challenge discrimination against them and promote their participation in public life and to investigate complaints on their behalf. We also want it to mean that there will be someone to encourage best practice in the treatment of older people, to influence and shape government policy in the interests of older people and, ultimately, to help us to achieve a society in which older people's voices are heard and respected and in which their interests are safeguarded and promoted. Therefore, we have prepared a Bill to establish a Commissioner for Older People who will have a wide range of promotional, advisory, educational, legal and investigatory functions, duties and powers to be deployed in the interests of older people, generally and individually.

The commissioner will have regard to the UN Principles for Older Persons when carrying out his or her work and will be independent of government and able to hold public bodies and government Departments to account in how they treat older people. The commissioner will provide a single focal point for older people's issues and be appointed by and have direct access to the First Minister and deputy First Minister. To stand up for older people, the commissioner will have the power to advise Ministers, the Assembly, the Secretary of State and any body or person on any matter concerning older people. The commissioner will be empowered to make recommendations to strengthen existing legislation. They will be able to produce research to help to shape policy and services and report on key issues that affect older people, such as transport, fuel poverty and finance.

The commissioner will have the power to undertake investigations. He or she will have an additional level of scrutiny by being able to carry out formal investigations of complaints that an older person raises against public bodies and of an organisation's internal procedures. In such cases, the commissioner will have the same powers as the High Court, including powers of entry and inspection. The commissioner will be able to bring, intervene in or assist in a court case involving the interests of older people and will be able to provide assistance,

including financial assistance, to an older person in a court case. As an alternative to legal proceedings, the commissioner will also have the power to commission conciliation services to help resolve a dispute more quickly. That is an additional power that has come about following the public consultation.

Establishing a commissioner here is a ground-breaking development. The only comparable commissioner is in Wales. No other European country has a commissioner of this type. It is an example of the Assembly responding to the needs of local people. As I said, we recognise that some bodies already carry out work that assists older people. We have, therefore, arranged that the Bill contains provisions to ensure that, where an existing body has expertise in or responsibility for a particular service, the powers of the commissioner are limited in that area alone.

Where appropriate, we want to ensure that the commissioner works in partnership with other bodies to safeguard the interests of older people and to ensure that the organisations co-ordinate their functions, identify gaps and make recommendations where improvements could be made. The commissioner will be urged to draw up memoranda of understanding with appropriate organisations. In establishing the role, we are determined to make sure that there is no duplication or conflict of responsibilities between different organisations, which could cause confusion and inefficiency, and that public money is used efficiently. Above all, we want to ensure that the older person gets the right help at the right time.

I referred to the efficient use of public money. As we move forward with this legislation and with the establishment of a commissioner, we are continually considering ways to reduce costs and ensure value for money. The sharing of services between the commissioner and other bodies is one example of those efforts. By establishing a Commissioner for Older People now, we are looking at the issue of an ageing population in the longer term and towards ensuring that older people here have the strong voice and protection that they deserve. I commend the Bill to the Assembly.

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Kennedy):** I am pleased to welcome the Bill on behalf of the Committee

for the Office of the First Minister and deputy First Minister. We considered a Commissioner for Older People on a number of occasions, and we were first briefed on the draft legislation in July 2009. In September, we received a further briefing from Dame Joan Harbinson, the Older People's Advocate for Northern Ireland, on the proposals in the draft Bill. The Department's public consultation was launched on 1 October 2009 to mark the United Nations International Day of Older Persons and, again, my Committee was briefed on the outcome of the public consultation at its meeting on 20 January 2010.

### 12.30 pm

During the consultation period, my Committee raised a number of issues about the legal powers and status that the Bill would give to a commissioner and about the inclusion of private nursing homes in the list of relevant authorities. My Committee also considered a number of research papers on pensioner poverty and models of how best to move forward.

At its meeting on 3 February 2010, my Committee agreed that it has no objections to the Department making revisions to the Bill. On 12 May 2010, officials briefed the Committee on the Department's final policy proposals for the Bill. After the meeting, the Committee agreed that it was content for the Bill to be considered at the Executive's next meeting and that members or, indeed, the Committee could bring forward amendments to the Bill following its introduction. We look forward to our consideration of the Bill during Committee Stage and to reporting on it to the Assembly.

I want to make a number of comments on behalf of the Ulster Unionist Party.

**Mr Dodds:** I am grateful to the member for giving way. I welcome the Bill. It is a positive development for the Assembly. Given that it is the Assembly's initiative to set up the post, I have no doubt that Ministers would respond positively to the commissioner's recommendations. The junior Minister mentioned the Secretary of State among others. In view of the fact that matters such as pensions and winter fuel allowances are all set at Westminster, did the Committee consider the commissioner's role vis-à-vis the Secretary of State or Whitehall Departments? What relationship would there be to ensure that the voice of older people is heard in those corridors of power as well?

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:**

I thank the Member for his useful intervention. I have no doubt that it will be reflected in Committee Stage as we consider and scrutinise the full effective nature of the Bill.

On behalf of the Ulster Unionist Party, I broadly welcome the Bill and express the hope that my party plays an important part in scrutinising it to improve its various measures. There may be a slight concern in some quarters that we appoint new commissioners and, indeed, new commissions regularly. However, a clear argument can be made for the appointment of an older person's commissioner who has proper powers to look at issues that are of significance and importance to older people.

One such issue is the Presbyterian Mutual Society, with which, of course, the House is well acquainted. Had a commissioner for older people been in place, it may well have been the case that that individual would have made representations at a senior level on that issue. I must be careful to declare my interest in that matter as a modest saver with the Presbyterian Mutual Society — modest being the appropriate word.

Nonetheless, on such an issue, it would be perfectly possible for an older person's commissioner to raise the concerns of a great many elderly people who are caught up in events that are not of their making and who feel extremely concerned and fragile. One hopes that that issue could be carried forward. I know that the junior Ministers, the First Minister and the deputy First Minister, and other Ministers continue to seek early resolution of the issue. I have no doubt that such an issue would have particular relevance to an older people's commissioner.

Therefore, for that reason, among many, my party broadly welcomes and supports the Bill.

**Mr Moutray:** I also welcome the Bill. My party has always championed the needs of the older generation. Delivery for older people has always been a key priority. My party is justifiably proud of its record, which includes introducing free travel and pioneering the warm homes scheme.

Since the restoration of devolution in 2007, DUP representatives have been active in delivering for our senior citizens. Indeed, this April, the

party launched a new document on the needs of older people.

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

There is significant demographic change occurring in Northern Ireland. Within the next 20 years, those aged 50 and above will account for 38% of the total population. It is predicted that by 2056 there will only be two working-age individuals for every person aged over 65. It is, therefore, essential that we invest in services for older people today and into the future. The contribution that older people make in our society is hugely significant and must be properly valued. Our senior citizens have played, and continue to play, an integral role in everyday life. Therefore, we need a society in which older people's voices are heard and respected and their interests are safeguarded. We need a society that promotes positive attitudes towards older people and their participation in public life.

There also needs to be a clear, co-ordinated and holistic approach to matters affecting the lives of older people across all Departments and other public bodies. The appointment of a commissioner will also provide a clear point of contact for older people. The commissioner will be someone whom they can contact for advice and assistance on issues affecting them. That matter has been discussed at great length in the Committee for the Office of the First Minister and deputy First Minister, and I welcome the fact that there has been widespread consultation on that. Many took the time to return written responses and to attend the nine public consultation events held last November. The issues and points that were raised certainly helped in the decision-making process and have helped to shape what we have before us.

The Bill clearly assists in the fulfilling of the Executive Programme for Government, which includes a commitment to deliver a strong, independent voice for older people. The Bill will put the wheels in motion for that strong, independent voice. The Commissioner for Older People will be able to safeguard and promote the interests of older people. We only have to think of a few issues that have been brought to light in the past number of years. For example, 3% of older people have been found to suffer elder abuse in Northern Ireland, although that is undoubtedly an underestimate, since those with dementia or living in care homes have not been

included in the study. Additionally, grandparents and other elderly relatives carry out a huge amount of unpaid work, including looking after young children and caring for a spouse. Childcare from grandparents is said to be worth £3.9 billion to the public. Furthermore, elderly people can be refused some forms of insurance, access to financial services and even medical treatment.

We, as an Assembly, clearly need to address those matters, and the appointment of a commissioner will assist in that process. In conclusion, we must ensure that older people are enabled to contribute as fully as possible for as long as possible and be assured that their rights and interests will be adequately protected. I support the Bill.

**Ms Anderson:** Go raibh míle maith agat. I think that all parties accept and welcome the creation of the Commissioner for Older People as a positive move, and this is a welcome stage in making that a reality.

Older people have made a valuable contribution to our society throughout their lifetimes in their work and taxes and through voluntary work in communities. Unfortunately, as we all know, the standard of living of many of our older people does not meet their needs or reflect the contributions that they have made. Many of them are among the most vulnerable members of our society, and research has shown that more than one quarter of our older people live in poverty, and more than half live in fuel poverty. That is an absolute indictment of this society.

Statistics show that 16.5% of the population in the North are aged 60 or over; that is 290,000 older people. Projections show that by 2026, that figure will have reached 500,000, constituting 25.4% — approximately one quarter — of our population.

Given our ageing population, we need to develop mechanisms now in order to properly value and recognise the contribution of older people to society as a whole. We need to support older people in realising their vital role in communities and, as a society, to look after those older people who need help to have a decent quality of life. Issues such as low income, access to transport, housing, Alzheimer's disease and many other age-related health conditions need to be addressed to ensure that older people's voices are heard and that their needs are articulated and catered for.

Older people should be consulted in decision-making at all levels. The appointment of a Commissioner for Older People will provide an important means of challenging and reviewing policy and decision-making and give a focused role in articulating the demands and rights of older people. Those rights must be at the heart of the Executive's decision-making powers and processes. If the Executive were delivering better on their statutory duty to promote equality of opportunity, as stated in section 75, the policies and programmes aimed at older people would have measurable outcomes that improved their living conditions. However, it is well known by equality practitioners and many others that that duty is highly unpopular among civil servants in central government. Therefore, the commissioner, who will champion older people's needs, challenge discrimination against them, investigate their complaints and promote and safeguard their interests, will have his or her work cut out.

Many other organisations are already doing sterling work on behalf of older people. However, the Bill contains provisions to ensure that there is no duplication of services and, therefore, no hierarchy of commissions. As the Minister outlined, the partnership working with organisations, such as Help the Aged, and the drawing up of memorandums of understanding will ensure that there is no conflict and that the needs of older people are addressed properly and effectively. Organisations that are already doing sterling work in that field will welcome that.

As a member of the OFMDFM Committee, I have monitored the Bill's progress with great interest, as has every other member of the Committee. We have taken evidence and received feedback from the age sector and wider society, and there can be absolutely no doubt that there is overwhelming support for a commissioner who has a wide range of duties, powers and functions. I am delighted that the Bill has reached its Second Stage, and I hope that it continues to make effective progress through the legislative process, because the creation of a Commissioner for Older People will be an achievement of which we can be proud. As Minister Gerry Kelly said, no other European country, with the exception of Wales, has such a commissioner. The Bill is, therefore, a tangible example of how the Assembly is responding to the needs of one of the most vulnerable groups in society.

I look forward to the new commissioner taking office and beginning a campaign that champions the rights and entitlements of older people. I also look forward to Departments' delivering on their duty, as stated in law, to provide equality of opportunity for older people and to actively promote their right to receive that. Go raibh maith agat.

**Mrs M Bradley:** I welcome the Commissioner for Older People Bill. The Minister spoke about far-reaching powers, and I believe that the powers in the Bill have to be very far-reaching to deal with the issues that affect older people. That is and needs to be the most important part of the Bill. Will the Minister assure the House that the post will not be affected by the cuts that we hear so much about and that older people will not be disappointed in that regard? The Bill means that we are, at last, recognising older people. I know that older people will feel valued today when they hear that that is, at last, happening.

Nevertheless, the Bill needs to go further by dealing with people in homes. A Member who spoke a moment ago said that some older people who live in homes are being abused. However, they are not the only ones. Many older people who live in the community or with their families are also being abused.

We need to be able to give effect to all that I have mentioned on behalf of older people and bring about an increase in pensions, which is the one thing that they need to enable them to live a comfortable life. Older people must be involved in all those decisions.

### 12.45 pm

I want to know what powers the Commissioner for Older People will have. Those powers should be very strong. For years, my party has been trundling along fighting for this, and, from the moment that I was elected as an MLA, I have fought for a Commissioner for Older People. Therefore, I welcome the Bill. However, I want the Minister to assure us that necessary and far-reaching powers will be provided and that any cuts will not affect the commissioner. We could be here all day discussing the issues that affect older people. Those issues need to be addressed, and we need to get a commissioner in place with the power to do that. I welcome the Bill so far. However, I want to hear from the Minister about those issues.

**Mr McCarthy:** I, too, fully support the provision of a Commissioner for Older People and give my party's blessing to the Second Stage of the Bill.

The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister said that continuing to have commissioners for this, that, and the other could not be supported, and that we have to carefully consider where we are going. However, as I understand it, having a Commissioner for Older People has been a priority for the Executive since they came into being.

In the early days of the previous Assembly, I was chairperson of the age sector reference group, and spent quite some time discussing and debating the provision with many interested parties, including Age Concern and Help the Aged, which have now come together as Age Northern Ireland. I am delighted that we are now making good progress towards fulfilling the Executive's commitment in the Programme for Government to:

*"Deliver a strong independent voice for older people."*

Our goal has to be to give older people their rightful place as full and valued members of our community and society. We must never forget the sacrifices that the present older generation made so that the generations to come can enjoy a much better life than that which went before.

I agree with the duties of a commissioner as outlined in the Bill. The commissioner must:

*"promote an awareness of matters relating to the interests of older people and of the need to safeguard those interests."*

The commissioner must also keep in mind the need to:

*"review the...effectiveness of law and practice relating to...older persons... and... services provided for older persons".*

The commissioner must always ensure that no inequality or discrimination is suffered by any older person and that best practice is the order of the day when dealing with older people. It is really important that positive attitudes are advanced towards older people, and, indeed, that encouragement is made at every opportunity for their active and real participation in everyday activities.



We totally agree that communications from the commissioner's office, such as where the office is based and what it stands for, should be relayed to older people. The office should also emphasise that the views of older people are paramount.

In conclusion, the Bill, which provides for a dedicated individual to look after the interests of older people, cannot come quickly enough. As I said, time has passed, and, in many ways, older people have continued to be treated as almost second class citizens. That must come to an end.

I pay tribute to the temporary advocate and to the work that her office has done. However, much more has to be done. Over and over, we hear that many older people are continuing to not receive the benefits to which they are entitled. I hope that a commissioner will put that matter right. If it is put right, many problems from which older people suffer, such as fuel poverty, will be things of the past.

I look forward to the Bill progressing through the Assembly.

**Mr McCallister:** Will the Member tell us some of his ideas that the commissioner could address when dealing with the low uptake of benefits? Despite all the campaigns by various Ministers for Social Development, benefit uptake has been a continuing problem for our older people. How does the Member think that the commissioner's office will address the problem?

**Mr McCarthy:** I envisage that the commissioner, as a dedicated person looking after older people's every interest, will put that problem high on his or her list of priorities, because, as the Member said, elected Members and organisations have done their best over and over again, and continue to do so, to ensure that the benefits to which older people are entitled reach them. The most recent figure that I read was that some £62 million is still going unclaimed. I hope, therefore, that the new commissioner's office will add another voice to ours to ensure that that figure is greatly reduced and that older people can get the benefits to which they are entitled. I hope that that goes some way to answering the Member's question.

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:** Not really.

**Mr McCarthy:** I am doing my best.

In conclusion, I hope that, come spring next year, the commissioner will be appointed and that he or she will get down to brass tacks and ensure that older people's priorities come to the fore.

**Mr Shannon:** I look forward to the creation of the post of a Commissioner for Older People. This is not the first time that the matter has been brought before the House. Although I am happy that we are at the Bill's Second Stage, I would be happier were I standing here today welcoming the commissioner's appointment. However, that is not in the too far distant future, and I look forward to that day.

We are on our way, which is the most important thing. I have supported the principle of having a Commissioner for Older People from the outset, not because I am a decade away from reaching the magic age of 65 but because 16.5% of the population of Northern Ireland — 290,000 people — are aged 60 or over. Some Members who spoke have a vested interest, including the Member who has just spoken, and perhaps one or two more who still have to speak. It is estimated that the figure of 290,000 will rise to 500,000, equating to a 25.4% share of the population, within 15 years.

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

**Mr Shannon:** Just one wee second, Kieran. The commissioner's role will increase and become greater over the next few years.

**Mr McCarthy:** I thank the Member for giving way. I cannot locate it in the legislation right now, but the Bill refers to older people as being people aged 50 and over. Therefore, I leave it up to the Member to decide where he fits in.

**Mr Shannon:** If it is 50 years old, everybody in the Chamber is in trouble. I view older people as those who are 60 years of age and above.

The issue did not divide the Chamber in the past, and I hope that it will not divide it now. All sides of the House know that a dedicated strategy is needed to safeguard older people's rights and dignities, and that is what creating the post of a Commissioner for Older People is designed to do.

Tha Help tha Aged hae bin in tuch wi' me , whau hae prees'd apon me tha urgency o' makkin shair that ther is sumyin whau haes a determind

roul, as weel as tha poower tae mak tha needit changes which wull mak shair o' aa' better lief fer oor ouler fowk. En A'a hae bin impressed wi' tha nummers that wur broucht tha tither bi' tha Help o' tha Aged which wus sent aff tae me.

I was contacted by Help the Aged, which impressed on me the urgency of ensuring that an individual be given a dedicated role and the powers to make the changes necessary to ensure a better life for our older people. I was impressed by the figures that Help the Aged collated and sent to me. Its correspondence stated:

*"The estimated yearly cost of an older people's commissioner is £1.5 million. In the economic climate, we must think of value for money."*

Today's focus appears to be even more on value for money, as it will be over the next few years.

The correspondence continued:

*"Taking into consideration that there are 290,000 older people in Northern Ireland, and rising, £1.5 million equates to £5.17 per older person per year, which is less than 10p a week and less than 2p a day."*

If that is not value for money for a Commissioner for Older People, I want to know what is.

The letter continued:

*"Whilst older people will rightly be the immediate beneficiaries, ageing affects us all. Improving the position of older people in our society will deliver better outcomes for society as a whole, now and in the future. If we consider the entire population of Northern Ireland — 1.7 million — as indirect beneficiaries, £1.5 million equates to less than 2p per week per person."*

That puts the cost into perspective.

Although we are in the days of making efficiency savings, we cannot save money at the expense of elderly people's dignity. Just this morning, I stood outside my office with a dozen elderly ladies from an arthritis and chest, heart and stoke group who had been informed that the bus that takes them to and from their monthly meetings would no longer be available. For many of those ladies, that is the only night that they get out in the month. They pay £2 each month and have tea and sandwiches at their meeting. Twice a year, they go for a meal together. Now they are expected to find an extra £4 a month to have their night out.

The meetings are therapeutic and offer a chance for the women involved to get together and interact. If the Commissioner for Older People were already in post, those ladies would be able to speak to him or her about that issue. The ladies will not be able to afford to pay for the bus. That is an example of why there should be a Commissioner for Older People. Someone needs to take a stand and say that cutting the bus service is not acceptable and will adversely affect the quality of life of those who use it.

The Minister of Health, Social Service and Public Safety is absent from the debate, but he can read Hansard later. I ask that he do the right thing, reinstate the bus service and find another way to make efficiency savings. The ending of the bus service is an attack on the most vulnerable people in our society. That is not acceptable now, and it never will be. The example that I have provided shows just how urgently a commissioner is needed.

Therefore, I wholeheartedly support the Bill and hope that it passes through the Assembly quickly and before anyone here, and there are quite a few candidates, has to avail himself or herself of the commissioner's service.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I, too, welcome the Bill. Since the issue has arisen, it has been asked why we need a Commissioner for Older People. One of the reasons that we need one is that many older people have felt, and continue to feel, let down by the system and that they are not valued.

The appointment of a Commissioner for Older People will be a very important step in realising the aspirations of older people. The commissioner must have effective powers to acknowledge the contributions that older people make and the diversity of their experience, knowledge and skills. All those factors will have to be an integral part of the commissioner's work.

Older people must be made to feel that they are still important in our society. All too often, they feel isolated and marginalised, which has been borne out in surveys. Some surveys have reported that 73% of older people feel marginalised. They feel isolated, marginalised and not included in the decisions that affect them the most.

The issues that affect older people must be prioritised, and their basic quality of life must be improved. Vulnerable older people must be

afforded the proper support and security that they require to enjoy their lives. Issues that need to be addressed in appropriate legislation include poverty; isolation and loneliness; the fear of crime; personal and community safety; abuse of the elderly, which has already been mentioned; the availability of proper and accessible housing; and insurance.

A Commissioner for Older People must strongly promote older people's rights and dignity, give them a strong voice and include them in the process that legislates on their rights. Older people do not want to be patronised, nor do they need to be. They deserve respect and recognition of their contribution to society. Many older people continue to be actively involved in their communities. Older people ask for no more than their legal entitlement and rights.

The office of a Commissioner for Older People should include a wide range of duties and powers. It should be engaged in advocacy, education and awareness-raising. It should also provide information and advice and be in a position to monitor and review its own role effectively.

The commissioner's powers should apply to the public, private and voluntary sectors, and his or her remit should include residential homes, insurance and access to services and opportunities. The commissioner should be in a position to communicate with older people and seek their opinions. The rights and interests of older people must be taken into account, and they need to be involved in policy development, planning and service delivery.

The commissioner's duties should include influencing policy and service delivery; championing and empowering older people; providing information advocacy and support; enforcing, enhancing and promoting rights; and investigating complaints and matters of concern to older people.

### 1.00 pm

It has been said that the commissioner will not be in government but will be of government. That is important. It will be incumbent on the commissioner to actively seek the opinions of older people and ensure that their views are heard. The office of the commissioner needs to be properly resourced to ensure its effectiveness; otherwise, it will be regarded

as another attempt to pay lip service to the resolution of important and pressing issues.

There are two important areas that the Commissioner for Older People should, when appointed, address urgently: older people in fuel poverty and the take-up of benefit entitlement. No longer should older people die of cold-related illnesses. That has been happening for several years, and the number of deaths is expected to rise as a result of last winter's cold spell. Large numbers of older people have died of cold-related illnesses because they could not afford to heat their home. That is an appalling statistic in a modern society.

The uptake of benefits and the provision of pension credit must be looked at urgently. Pensioners are not claiming pension credit to the tune of over £1 million a week; that has already been mentioned. The appointment of a Commissioner for Older People gives us an opportunity to redress an imbalance that has been going on for far too long. It gives us the opportunity, finally, to live up to our responsibilities to look after the older generation and provide them with the recognition and dignity that they want and deserve. I commend groups such as Help the Aged and Age Concern, now Age NI, for the tremendous work that they have done, as well as the senior citizens consortiums, particularly in my own area, who have done so much to advocate and champion the rights of older people.

**Mr Spratt:** I welcome the Bill. I welcome the junior Minister's presentation and the contribution of OFMDFM in bringing the legislation to its Second Stage today.

Age Northern Ireland tells us that 290,000 people in Northern Ireland are aged 60 or over and that that number is projected to rise to 500,000 by 2026. I know, Mr Deputy Speaker, that you tried earlier to reduce the age to 55, which would mean that I would have to declare an interest, but I am not at that stage yet. I want to pay tribute to the considerable work that Dame Joan Harbison has carried out as the interim commissioner for older people. I have always admired the considerable work that the voluntary organisations, churches and other agencies have done year after year for older people and the resources that organisations put into care and activities for them.

I have always admired the considerable contribution that some senior citizens make to

local government. Although she is not a member of my party, I admire Councillor Rosaleen Hughes, who is in the Public Gallery today, as an advocate for older people and for the considerable work that she does on their behalf. She is but one shining example of the work that many other people in her position carry out on councils throughout Northern Ireland.

**Mr Dallat:** Does the Member agree that, given that it is volunteers' week, there is a need to encourage as many people as possible to sign up as volunteers for the various organisations, including those for older people but also those for people of all ages who experience isolation and the poverty of being alone? As the Bill passes its Second Stage, there is a need to encourage as many people as possible to become volunteers, as the Member has been doing.

**Mr Spratt:** I am happy to take the honourable Member's point. That should be encouraged, and I know that, at local government level, my council has done so. I encourage everyone to become involved in volunteering.

**Mr Shannon:** Does the Member agree that the role of pension advisers is critical? Mr McCarthy and others mentioned that earlier. Pension advisers are much sought after in my area. In many cases they are overworked. Is there a more critical role for pension advisers to play in the future to ensure that all moneys and benefits available are collected? As one Member said, some £60 million is returned; that is an indication of the amount of money that should be retained here.

**Mr Spratt:** The Member has made a valid point. That is an issue that I encounter regularly, as we all do. Older people sometimes come through our doors to enquire about one matter, but, when we check, we find that they are not getting many of the benefits that they deserve. That is one issue that we try to address, as do party colleagues and Members from other parties. Advertising campaigns were mentioned earlier, and they should be encouraged to try to maximise the uptake of benefits.

There is no doubt that a Commissioner for Older People is needed; we have seen that clearly. However, I have some concerns about the Bill, which I have expressed previously. I hope that the Minister will respond to them. I am concerned about legal cases and the appointment of staff.

The Ministers, as well as the majority of consultees, have agreed that it would be important for the commissioner to have the power to bring and support legal cases. That is included in the proposed legislation, but I have some concerns. We are all aware of the terrible, despicable cases of elder abuse that have been in front of the courts in recent times. One cannot imagine what has happened on some of the premises involved. There has been disgraceful behaviour of staff and so on, which has verged on criminal activity on many occasions. If, during an investigation, the commissioner finds a criminal aspect, they should immediately withdraw and hand the investigation over to the Police Service of Northern Ireland. My great concern is that, if the commissioner or whoever is investigating the case on their behalf continues to meddle with the case, real evidence could be lost. If we do not get the legislation right, that is a danger. That could cause problems in proceeding with a criminal investigation and bringing criminal charges against people who, in many cases, should be behind bars and should never get out for some of the acts that they have committed. We should ensure that the part of the legislation around investigations is tied up as tightly as possible.

I am also concerned about judicial reviews. Someone said that finance should not be an issue, but we all know that it is and will be an issue. A recent case involving the Children's Commissioner cost so much money that, by the end of it, there was nothing left to do anything else. Let us be realistic. Let us ensure that no loopholes are left. Judicial reviews are expensive ways of proving points in law. There needs to be an assurance in the legislation that every last resort possible will be used by the commissioner before proceeding to judicial review. In other words, conciliation and all other methods of trying to resolve the issue should be tried with Departments and so on before going into expensive judicial reviews. All that judicial reviews tend to do is make lawyers richer, and I am not sure that they will bring satisfaction to older people, whatever case they may have.

Under the terms of the corporate governance, the commissioner will be given the power to appoint staff as he or she may determine. I am sure that the commissioner, when eventually appointed, will be frugal in everything that he or she does, but that power could be costly for the public purse. I want to ensure that it is set

out clearly in the legislation that the budget available to the commissioner's office for legal departments and so on may well be finite. I do not want someone to be able to add to his or her staff every other week. I am not saying that it will happen, but empires have often been built in the past when legislation has not been tight. We want a structure that will be effective for older people and will serve them well. However, we also want a structure that is right and proper as regards the taxpayers and the public purse.

I will not go into other aspects of the Bill, but I ask the Minister to take those points on board. My party fully supports the legislation, and I commend the Bill's Second Stage to the House.

**Mr Elliott:** I would like to put on record my thanks to the aged people of Northern Ireland, many of whom have made a valuable contribution to the Province's society, structures and organisations. I, like many others in the Chamber, have ageing relatives. Mr Shannon tried to put us all into the same age bracket before he left the Chamber. I wish to make it clear that we are not all in that bracket. However, the one thing that we all have in common is that, if we are not in that age bracket, we certainly all have relatives in it.

I am aware of the valuable work that Age NI and very many senior citizens consortiums across the Province do to give older people a sense of value in society. Many individuals live a lonely life, and going to their senior citizens group may be their one outlet in the week, so it is a very valuable outlet. I understand the clear merits of having a Commissioner for Older People. I do, however, have some concerns that it may take away some of the Assembly's duties. I do not want a commissioner to let the Executive and the Assembly off the hook as regards decision-making or to enable Members to pass responsibility to an individual or body that they should not.

I want the Minister to explain how the figure of £1.5 million, which it will take to run the office of the Commissioner for Older People, was arrived at. I would be grateful if he could outline that, and I will ask the Committee for the Office of the First Minister and deputy First Minister to look at it in more detail. I do not want to see a Commissioner for Older People take away from front line services. That is the crux of the matter. If money will be diverted from care in the community or, as Mr McCarthy said, from

benefits, it will not do its job. It needs to work in tandem with those aspects.

I am not sure how it will benefit those people to claim their entire entitlement from benefits. For some time, we have had a Children's Commissioner. Members of the Committee for the Office of the First Minister and deputy First Minister know that there is still serious child poverty in the Province, which that commissioner has not been able to get to the root of.

I want to see something that benefits older people without taking away from the system in which it is engaged. Getting that right is a huge challenge for the Assembly. If it is not got right at this stage, it will not be resolved for years to come. We could end up with a lame duck commissioner costing taxpayers money and producing none of the benefits for older people that we envisage.

#### 1.15 pm

I want to see a structure that produces clear benefits and is not a burden on society. My colleague Danny Kennedy mentioned the Presbyterian Mutual Society. Unlike him, I do not have to declare an interest in that. It is an area that a commissioner could have moved on quickly. I hope that a commissioner can deal with those strategic issues and provide assistance for the broad range of our senior citizens in this Province.

There is work to do throughout Committee Stage and further stages of the Bill to ensure that we get the position right. Aspects of the Bill need careful consideration, and it is a huge responsibility on the First Minister, deputy First Minister and junior Ministers to ensure that they get it right. I broadly welcome the Bill, but I draw attention to those caveats. The Bill needs careful consideration during its further stages to ensure that it is workable and viable and does not take away from front line services to the elderly.

**Mr Durkan:** Like other Members, I welcome the Second Stage of this important Bill. As others said, issues will have to be teased out, not least at Committee and Consideration Stages, so that we can be satisfied that we have made robust provision for a worthwhile and workable entity.

A number of Members referred to the scope of the Bill and to the powers and roles envisaged

for the commissioner. In response to the debate and the future stages of the Bill, I hope Ministers will be able to clarify some of the language of the Bill. For instance, clause 9 is entitled "Actions which may be investigated: restrictions and exclusions". That is meant to tell us which sorts of actions may be investigated. However, each subsection tells us what cannot be investigated. We are not told what can be investigated but the types of cases that cannot be investigated. The question arises of whether there is sufficient clarity in that clause. Some of the restrictions in that clause are unclear.

Clause 9(1) states:

*"The Commissioner may not conduct an investigation in respect of any action in respect of which the complainant has or had —*

*(a) a right of appeal, complaint, reference or review to or before a tribunal...or*

*(b) a remedy by way of proceedings in any court".*

Therefore, to take the example that Mr Elliott gave towards the end of his most recent contribution, when he discussed how the Presbyterian Mutual Society's situation affected older people, it could be argued that, because the case had been or was likely to go before a court, the commissioner would be stranded and unable to move on the issue. However, clause 9(1) also states that the commissioner may not investigate:

*"unless the Commissioner is satisfied that, in the particular circumstances, it is not reasonable to expect the complainant to resort to or have resorted to the right or remedy."*

That, again, leaves questions about when it is reasonable to make such an assumption and how it is reasonable to assume it in one case but not in another. Therefore, the danger is that we are creating a law that will put the commissioner in a quandary as they come to adjudicate whether it is reasonable to expect anyone to resort to those remedies, short of investigation by the commissioner.

To further complicate issues of language in the Bill, clause 9 deals with:

*"Actions which may be investigated: restrictions and exclusions".*

However, in clauses 13 to 17 there are references to "formal investigations", which seem to describe something different to the term

"investigation" as it is used in clause 9. Perhaps the Minister will clarify whether clause 9 relates to an informal investigation, in the sense that, on realising that there is an issue of concern for one or more older people, the commissioner can make informal enquiries of the relevant authorities as to a policy's origin, aim and implications and whether those have been considered. A formal investigation, however, involves more heavy-duty and procedurally weighted enquiries that are outlined in the clauses to which I referred. If formal investigations are to be talked about in one clause and informal investigations are referred to in another, the language must be a lot clearer, because we are creating possible confusion for the commissioner and the relevant authorities, which may then question why the commissioner is asking them and not others about issues in a particular way.

I share the concerns of Members who raised issues about the interface between some devolved and non-devolved matters. A key issue for many older people is pensions and other welfare benefits and how they do or do not apply because of age. We need to ensure that the commissioner here is able to act as an advocate for the welfare, interests and needs of older people at all levels and in every arena that matters, including, when relevant, advanced policy work that the Department for Work and Pensions or the British Treasury conduct. The commissioner's advocacy role must not be purely confined to the North. Therefore, it is important that the commissioner is clearly afforded that scope and latitude and that we signal that we want the commissioner to have such an advocacy role.

We must also recognise that the commissioner as an advocate, which we want, has the scope to work in an anticipatory capacity in identifying issues that will arise. Much of the Bill, rightly, relates to problems as they are identified by older people, who bring them to the commissioner's notice. We have to be clear that, to fulfil the broad public interest role that we want to see performed and to be able to make a contribution to good, positive public policy, the commissioner must be able to advocate in anticipation of issues that may arise. In the context of welfare reform measures and pressures that we know are already here, as well as others that are likely to emerge following emergency Budgets at Westminster, the Commissioner for Older People will have to

deal with a lot of concerns and apprehension. Although I have every confidence that everyone in this House will make representations through the appropriate channels, as will people elected elsewhere, and that Ministers will lobby as effectively as they can, it is important, given the proposed commissioner's remit, that he or she is able to act proactively and effectively.

An issue that will come through strongly in the next couple of years as it affects a growing number of older people — it relates to the whole issue of pensions — is the practice of contracted-out deductions being made from the state pension. More and more people approaching pension age have contracted-out pensions. In the 1980s, when the Tory Government changed the pension regime and brought in contracting out, there was not just mis-selling of pensions by pension companies but mis-selling of that change by the Tories. Many people opted to contract out because they were told that it was better for them. However, many people did not opt out; their employers made the decision to opt out. Now, as they come to receive their contracted-out pension, those people are finding that a heavy deduction is being made from their state pension. I have constituents whose deduction is in excess of 80%. In fact, for one woman, the reduction has gone over 100%. In theory, the agency was telling her that she should have owed it money.

The theory behind this is that, when people have contracted-out pensions, they are able to make lower National Insurance contributions and receive some tax relief. However, there is a basic question about whether the rate at which contracted-out deductions are being exacted by the agency here and the one across the water — of course, it stems from Whitehall policy — is far greater than the benefit that people originally received and the concessions that there were. Someone must investigate and challenge that. In the next few years, it will be an increasingly live issue. For many people, it is the new pension time bomb. It would be ridiculous for us to pass the Bill and create a commissioner who is not able to address the issue and must tell people to go to somebody else because he or she cannot do anything, talk about it or even raise the question. We must make the most of this stage and coming stages of the Bill, because there will be no shortage of good work for a commissioner to do.

**Mr Molloy:** Go raibh maith agat. I support the legislation, which has reached an important stage. The Bill is important because older people are vulnerable in various aspects of life, and they need someone to raise issues and speak on their behalf.

I shall concentrate on issues relating to the Health Service and nursing homes. Often, various agencies' investigations into the services that private nursing homes provide for older people have been restricted. Boards and trusts have little authority to investigate homes, so the commissioner must have power and authority to investigate and follow up the issues that are raised.

I pay tribute to Dame Joan Harbison's work as the interim commissioner and to the fact that she raised so many issues. In addition, she gave advice about the role that the commissioner should play in the future.

The social benefits issue is long-running and goes back to Thatcher's time. She was good at saying how much unclaimed benefit there was. However, when people went to claim it, they found that it was very hard to get. My colleague Mickey Brady mentioned the figure of £1 million a week — £52 million a year — in unclaimed pension credits. In the broader sense, that £52 million a year of unclaimed resources could be spent in the community. There has to be some means, within the social services here and the various agencies, to direct and link one benefit to another, to ensure that people, particularly elderly people, get their full entitlement. That is one area in which a commissioner could start to direct people and follow through on making older people aware of their entitlements in different ways and make the Departments aware of their role in ensuring that people get what they are entitled to.

### 1.30 pm

It is important for the commissioner to have the power and the teeth to make things happen and to make Departments respond. We should send out a message to Departments that they should not resist those powers and that people should not have to go to judicial reviews and various other means to make their point. Departments should be more responsive and see the needs and concerns of people. I hope that, if a commissioner takes up those issues, more of them will be solved without people having to go to court and without solicitors and

barristers making money out of the situation, and therefore, elderly people will get the money to which they are entitled. Departments must start to facilitate and make the links to give people what they are entitled to receive.

The commissioner must have the power to follow on to ensure that they can make people respond. There is no point in Departments coming to the table with both arms the one length and not taking an active role to support the commissioner. The commissioner's office should be a facility that Departments use to raise issues and to try to resolve them. The Departments also need to be responsive. It was difficult to get the Departments to respond in the past unless people took their cases to court and proved them.

The issue of the Health Service is important. Hospital services, nursing homes, facilities in doctors' clinics and the provision of healthcare for elderly people — the most vulnerable in our society — should get the proper service to which they are entitled. They should not have to battle their way through a system that resists giving them what they are entitled to receive. I welcome the legislation, and I wish the commissioner well.

**The junior Minister (Mr G Kelly):** Go raibh maith agat, a LeasCheann Comhairle. I thank the Members who contributed to the debate. There was discussion at the beginning of the debate as to when someone becomes an older person. The UN definition is 50 years of age and over. Possibly every Member would have to declare an interest today.

**Mr Durkan:** I have another couple of weeks to go.

**The junior Minister (Mr G Kelly):** I am glad that we did not have to go through that process. I welcome the fact that all Members supported the Bill reaching its Second Stage. Nevertheless, some important points have been made, and I assure Members that my ministerial colleagues, officials and I will look closely at everything that was said and respond in a timely fashion. Mark raised some technical points, and I will respond to him in writing rather than spend a lot of time going through them now. However, I will cover a number of the issues.

We all recognise that an ageing population is an issue that cannot be ignored. Right across these islands and further afield, declining birth rates and increased life expectancy will place

an ever increasing burden on our resources and present new challenges as to how we address the concerns of older people.

Stephen Moutray and Kieran McCarthy referred to our PSA commitment. The PSA commitment in the Programme for Government aims to provide:

*“a strong independent voice for older people”.*

That is what we are setting out to do. The Executive recognised early on that they needed to be at the forefront of action worldwide and to begin to provide an alternative way for older people to express their concerns about how society views and treats them.

Providing such a mechanism for older people to articulate concerns was one aspect of a two-pronged approach that also seeks to provide a powerful and public voice where those concerns can be addressed by a strong independent commissioner who will be able to articulate views at the highest level of government and take action on behalf of the interests of older people.

I can confirm to Kieran McCarthy and others that, as the Bill was introduced on 24 May, we are on track to establish a Commissioner for Older People within the lifetime of the Assembly. We had high hopes of being at a more advanced point. However, the process took five years in Wales, which is the only other example that we have, and we can argue that we are ahead of that anyway. It is clear that Members are actively engaged in the process to develop the legislation for the manner in which a commissioner will exercise his or her powers and duties.

I will touch on a number of points that were raised during the debate and some of the issues that were raised during the public consultation process.

During the debate, a number of Members mentioned enforcement powers. The commissioner will have considerable powers to recommend change and to publicly expose unreasonable non-compliance with his or her recommendations. I believe that those powers, together with the authority of the commissioner's office, will give the commissioner considerable power to effect change on behalf of older people.



Mark Durkan, Mary Bradley, Danny Kennedy, Jimmy Spratt and others feel that the powers of the commissioner are a core issue. The commissioner will have a wide range of powers, including those with teeth, such as the power to conduct a formal investigation into a complaint — and we will send off explanations to allow formal and informal investigations — with High Court powers to call for persons, papers and evidence, and powers of entry and inspection. If someone were to try to obstruct the commissioner, those powers will also be backed up with the offence of contempt.

A number of Members, including Danny Kennedy, raised the issue of the commissioner being able to take legal cases on behalf of older people. Others, including Jimmy Spratt, raised the issue of the commissioner being able to assist an older person with his or her own legal case.

Jimmy Spratt also raised the issue of criminal investigations. There is nothing in the Bill that will stop a criminal investigation going ahead. Indeed, if a criminal investigation is started, the commissioner, like any other public body, will pull out and allow that investigation to proceed.

I spoke earlier about the importance of the efficient use of public money, and that issue was also raised by a number of Members during the debate. As we move forward with the legislation and the eventual establishment of a commissioner, we will continually look at ways to achieve efficiencies, minimise costs and ensure value for money. That will include reducing costs through the sharing of services, a point raised by Tom Elliott.

Ministers recognised that the standing of victims in legal cases involving European Convention rights was an issue that emerged from the consultation. However, as Westminster legislation is required to grant victims standing, it is not a matter that can be included in the Bill. In response to the consultation, the Older People's Advocate, Dame Joan Harbison, made the interesting suggestion that the commissioner could use his or her powers of collaboration to work with the Human Rights Commissioner to take a case on behalf of older people generally, which would rely on the powers contained in the Human Rights Act 1998. This is an innovative suggestion and the Department has made a commitment to giving it further consideration as the Bill passes through the Assembly.

The commissioner has a general investigatory power, which extends to any type of organisation. In addition, the Department considers that taxpayer-funded public bodies should be subject to a higher level of scrutiny by the commissioner, and, for that reason, provision is made in the Bill for the formal investigation of public bodies, with High Court powers to call for persons, papers and evidence as well as powers of entry and inspection.

As Danny Kennedy and Francie Molloy said, and as members of the Committee may be aware, the Bill has been amended following consultation to bring all nursing and residential homes in the private and voluntary sectors under the commission's remit as "relevant authorities". That means that the full range of the commissioner's power can be applied to assist older people in such homes, regardless of how their care is funded.

Members will be aware that pensions and fuel poverty are of significant concern to older people. Indeed, that point was raised by a number of Members during the debate, and the Department has included a number of powers and duties in the Bill to allow the commissioner to address those matters. First, the commissioner will have a duty to advise the Secretary of State or the Executive on matters relating to the interests of older people when he or she considers it appropriate to do so. The commissioner will also have a general power to make representations or recommendations to any person or body on any matter concerning the interests of older people. That will ensure that the commissioner can formally raise excepted or reserved matters to the appropriate body, which was a point that Nigel Dodds and John McCallister raised in relation to representations to the Department for Work and Pensions.

On the question of why the Bill refers to the "interests" of older people rather than specifically mentioning their rights, there was support during the consultation for the commissioner to focus on rights. We can confirm that "interests", as referred to in the Bill, include rights. However, it is a broader term than "rights". We have taken legal advice on that. If someone's rights are breached or infringed, it must be in their interest to have the issue addressed.

Martina Anderson and others raised the issue of ensuring that the commissioner's work

does not overlap or duplicate that of existing bodies. During the consultation, views differed on the most appropriate way to achieve that. We believe that the creation of a commissioner will simplify matters for older people who seek help. We expect all public bodies and elected representatives to work collaboratively to ensure value for money and to ensure that there is no duplication of effort and service.

Some consultees argued for the removal of clauses in the draft Bill that limit the commissioner from acting when another body has responsibility. Other consultees wished to have those clauses retained. Colleagues and I have considered the responses and have agreed changes to some limitations by giving the commissioner greater discretion to act in certain circumstances. Members will note that a variety of issues have arisen, some of which I have attempted to address. Members are free to write to me and my ministerial colleagues on any issue of concern with the Bill. We will respond quickly to those concerns.

In 2007, the Assembly called on the Office of the First Minister and deputy First Minister to prioritise the appointment of a Commissioner for Older People, and the Executive's Programme for Government committed to providing a strong voice for older people. We want to provide older people with strong, forward-looking policies and actions that will address the issues that arise with ageing populations. The legislation to establish a Commissioner for Older People is a significant step towards that.

I commend the legislation to the Assembly. I and my OFMDFM ministerial colleagues believe that the legislation will place the Assembly at the forefront of world opinion on how to deal successfully with the real difficulties for ageing populations that all countries will have to confront in the coming decades.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Commissioner for Older People Bill [NIA 21/09] be agreed.*

## **Dogs (Amendment) Bill: Second Stage**

**The Minister of Agriculture and Rural Development (Ms Gildernew):** I beg to move

*That the Second Stage of the Dogs (Amendment) Bill [NIA 20/09] be agreed.*

Go raibh míle maith agat, a LeasCheann Comhairle. The aim of my review of dog control legislation was to provide enhanced protection in areas of public safety and animal welfare. In consultation with district councils, their dog wardens and a wide range of stakeholders, I have done just that.

I will deal with dog welfare issues as part of a new welfare of animals Bill, which I will bring forward to the Assembly shortly. It will provide powers to increase the maximum penalties for involvement in the abhorrent activity of dog fighting and will strengthen enforcers' existing powers. Furthermore, it will provide powers to regulate a wide range of activities that involve animals, such as those of dog-breeding establishments.

My main focus in introducing the Dogs (Amendment) Bill relates to public safety and dog control. As part of a review of existing legislation, I published a range of proposals in late November 2009 to address problems with the control of dogs, particularly straying and attacks on people, livestock and other dogs. The Dogs Order 1983, which is the central plank of the dog control system here, has brought many improvements in dog control since it came into operation more than 25 years ago. Between 1999 and the end of 2008, the number of licensed dogs increased by more than 30% to 114,000. Over the same period, the number of stray dogs that were impounded by district councils fell by more than 30%.

Nevertheless, the 1983 Order has not dealt with all the problems caused by irresponsible dog owners. Dog wardens here investigate around 700 dog attacks a year. Those of us who took part in the recent election campaign will be well aware of the risk posed by dogs. At least four candidates as well as a number of other election workers, including a few in my own constituency, were injured by dogs, and the Communication Workers Union can outline the savage injuries that have been suffered by postal workers.

**1.45 pm**

Names such as Ellie Lawrenson, John Paul Massey and Jaden Mack, children who have been killed by dogs in the past three years, should be to the forefront of our minds. Although, thank God, no fatal attacks have taken place here in recent years, the horrific injuries to six-year-old Sophia Kimpton at a holiday chalet near Dervock in 2007 show that we cannot be complacent. Children are disproportionately vulnerable to attacks by dogs, and I am determined to do whatever I can to help to reduce the likelihood of dog attacks.

As well as the danger of attacks, the number of stray dogs remains high here. In 2008, almost 11,000 stray and unwanted dogs were impounded by councils, and the number of stray dogs per head of population remains much higher here than in England, Scotland and Wales. However, a very large number of dogs is destroyed here every year; almost 3,500 were destroyed in 2008. Although livestock worrying is at a lower level than was reported in the 1970s, it still remains high, and, in 2009, district council dog wardens investigated almost 300 reports. More needs to be done and, as I said in the Assembly in 2007, tackling those issues is, and has been, a priority for me.

My new Bill will do three things: protect the public; promote responsible ownership; and penalise irresponsible owners. It aims to reduce the numbers of stray dogs; make it easier for dog wardens to identify stray and other problematic dogs; and allow dog wardens to respond more flexibly to problems with a dog's behaviour.

Before I set out the key features of the Bill, I thank all those who responded to the consultation exercise that my Department carried out this year. We received nearly 130 written responses and conducted public consultation meetings throughout the North. I appreciate the input of all stakeholders, and the consultation exercise has helped to shape the Bill. I also thank the Chairperson and the members of the Committee for Agriculture and Rural Development for facilitating presentations from my officials on three occasions and for their comments. Those have also helped to shape the Bill.

The Bill contains 18 clauses and two schedules, most of which amend the 1983 Dogs Order. In summary, it introduces the compulsory microchipping of dogs and empowers dog

wardens to attach control conditions to the licence of a dog whose behaviour has led to a breach of the 1983 Order. It increases the licence fee and the level of fixed penalties under the 1983 Order to a more realistic level, and, for the first time, it allows district councils to retain the proceeds from fixed penalties to support their dog warden services. The Bill also introduces a number of new offences, most notably, perhaps, the offence of allowing a dog to attack or injure a dog owned by another person. It increases the maximum penalty for a dog attack that occurs in the dog's home.

The existing ban on dogs of types that are bred specifically for fighting will remain. Dogs such as pit bulls have a high pain threshold and a jaw structure that is developed specifically for fighting. The risk posed by those and the other banned types of dog is, therefore, greater, and the ban remains justified. The law recognises already that, under strict conditions, a responsible owner may be permitted to keep a dog of an otherwise prohibited type. That might apply when, for example, a person buys a puppy that later develops the characteristics of the banned breed. That exemption is available only if a magistrate is satisfied that the dog poses no danger to public safety.

I will introduce subordinate legislation to strengthen the conditions under which an exemption from the ban can be met. That will be primarily aimed at protecting children and would bar the keeping of such a dog at any address where a person under the age of 16 is ordinarily resident and would confine such a dog to a place from which it cannot escape, such as a yard, when a child is present. That package of measures, if enacted, will provide us with the strongest dog control legislation in these islands.

If the Assembly agrees the Bill's Second Stage, the Committee for Agriculture and Rural Development will scrutinise the Bill on a clause-by-clause basis. I will now set out in more detail the Bill's most important clauses.

The Bill extends the exemption from the requirement to have a dog licence beyond guide dogs to all assistance dogs, which are defined as dogs kept and used by a disabled person wholly or mainly for the purpose of assisting that person to carry out normal day-to-day activities.

The Bill introduces a requirement to have a dog implanted with a microchip before it can be

licensed. Rather than setting out in detail the technical issues around microchipping, the Bill empowers my Department to make subordinate legislation to regulate those matters. However, the introduction of compulsory microchipping is one of the Bill's most important features. Microchipping makes it quicker and easier to identify lost or straying dogs and return them to their owner. It will reinforce the licensing system and make it easier to identify problem dogs. It will also make it easier to trace stolen dogs.

The Bill provides for an increase in the dog licence fee. It is an inflation-linked rise to £12.50, which I believe is reasonable and affordable. To meet the needs of people on restricted incomes, the Bill introduces free licences for older people and concessionary rates for owners on benefits.

Attacks by dogs on other dogs are one of the most painful issues for dog owners, and many Members will have received letters from constituents who have been heartbroken over the death of their beloved pet and deeply frustrated by the lack of redress in law. Members will all recall the attack in south Belfast last year when a 75-year-old woman was knocked unconscious by two Rottweilers that attacked her small dog in Ebor Street. Members will also remember Troy, the Labrador that was killed by a pit bull terrier as he defended his owners in Randalstown forest. It is outrageous that an owner who lets an aggressive dog run wild to the point where another person's pet is injured or even killed faces only the penalty for allowing his or her dog to stray. Therefore, the Bill makes it an offence to allow a dog to attack and injure a dog owned by another person.

The law here provides that an attack on a person is an offence wherever it occurs. Nevertheless, the Dogs Order makes a distinction between attacks in public and attacks in the dog's home, which attract a less serious penalty. However, we remember that the deaths of Ellie Lawrenson, John Paul Massey and Jaden Mack followed attacks on private property where the dogs concerned had permission to be, however irresponsible and misguided that was. Therefore, we need to strengthen the deterrent penalties available to the courts. The Bill deals with that issue by amending the Dogs Order to provide that an attack on a person that results in injury shall be considered an aggravated offence, whether it happens in a public or private place.

Currently, in the event of minor breaches of the 1983 Dogs Order, dog wardens have no alternative but to warn the owner, to issue a fixed penalty notice or to prosecute. Those measures are reactive. They do little to protect the public from further behavioural problems with that dog, very little to prevent more serious breaches of the law and nothing to force an irresponsible owner to manage his or her dog more responsibly.

If the introduction of compulsory microchipping is the first key proposal of the Bill, the availability of control conditions is the second. The Bill will allow council dog wardens to protect the public and help to prevent further, more serious breaches of the law by attaching one or more control conditions to a dog licence where owners have failed to keep a dog under proper control. Those controls could make it a condition of the dog's licence that it be muzzled and leashed when in public or kept in a secure place when not leashed, be kept away from certain specified places, or, in extreme cases of aggressive behaviour, be neutered. That will provide a means for dog wardens to intervene early to prevent more serious incidents. The availability of those control conditions will shift the focus onto the actual behaviour and management of individual problem dogs whatever their breed.

The fixed penalties established by the 1983 Order do not send out the right message. I want our legislation to say that it is not acceptable to be an irresponsible owner and to let your dog stray and worry livestock or attack another dog. I wanted to direct the income from fixed penalties to be used to support and strengthen dog warden services rather than be directed to central government funds, as happens at present. Therefore, the Bill allows councils to retain the revenues from fixed penalties for the enforcement of the Dogs Order and raises the level of fixed penalties for offences under the Dogs Order to £50. I feel that those measures are important to tackle the minority of irresponsible owners who undermine everything that is good and positive about dog ownership and to send out the message that casual and careless dog ownership is not acceptable in our society.

Before Members debate the principles of the Bill, I want to say again that, although the 1983 Dogs Order provides a useful framework, we need to build on it to address the serious issues of dog control that we continue to face.

The full package of new measures contained in the Bill will, if enacted, enhance the 1983 Order significantly and put in place a dog control system that is the most robust in any of these islands.

Compulsory microchipping will help dog owners, should their dog be lost or stolen, and help enforcers to identify stray and problem dogs; it should reduce the time that strays spend in council pounds and the number of stray dogs that are destroyed here.

Maintaining the licensing system with licence fees at a realistic level not only maintains a unique registration system but ensures that it meets more of the costs of the dog warden service. Concessions built into the licensing system will protect dog owners who are on restricted incomes and promote neutering. Increasing the level of fixed penalties under the 1983 Order and allowing district councils to retain the proceeds for the support of dog warden services will provide a greater deterrent and further improve dog warden services here. Dog owners will be protected from irresponsible owners by the introduction of the offence of allowing a dog to attack and injure another person's dog.

Finally, the introduction of control conditions giving dog wardens the option of placing conditions on the licence of a dog whose behaviour or management has led to a breach of the 1983 Order will create a system in which targeted, flexible and considered intervention can be made at an early stage in the control of individual dogs.

The Bill will help to protect the public, promote responsible ownership and penalise the irresponsible; it will promote what is good and positive about dog ownership and make people, especially our children, safer. I commend the Bill to the Assembly. Go raibh míle maith agat.

**The Chairperson of the Committee for Agriculture and Rural Development (Mr Paisley Jnr):** At the outset, may I say that I was intrigued by the Minister's comments regarding dogs attacking politicians? In my election campaigns I was never attacked by a four-legged dog, but there may have been occasions when others attacked me; I do not know whether the bite was that bad.

I welcome the Minister's opening statement. However, it is important that legislation does what it says on the tin and achieves what we set out to achieve. I will address those

points in my statement that I make on behalf of the Committee for Agriculture and Rural Development.

We support the principles espoused in the Bill. We believe that there is a need to update the Dogs (Northern Ireland) Order 1983, particularly in light of recent attacks on humans, the horrendous practice of dog fighting and the atrocious fact that, in Northern Ireland, a dog will be impounded every 58 minutes and one will be put down every four hours. That is a horrendous record of neglect and irresponsible ownership that needs to be addressed with dramatic legislation.

Although we support the principles of the Bill, we do not believe that they are sufficient to address the issues that I have outlined, and we look forward to the Committee Stage. In the past, the Committee has seen that the Department has a habit of doing the basics of primary legislation but that it often falls short of introducing laws that address the issues and which make the hard decisions that are required. The Committee is not afraid of making those decisions. That has been borne out by the vociferous opposition to the Department's original proposal to increase the licence fee to £50. The Department has revised that to a more acceptable figure, and we welcome that.

The Bill does not adequately address the major issues, and, in the explanatory and financial memorandum, the Department admits that the Dogs (Northern Ireland) Order 1983 has not addressed the problem of dog attacks, straying and unwanted dogs. However, I welcome the fact that the Minister said that the Department will address dog fighting under the animal health legislation. We all recognise that something important and serious needs to be done in that regard.

Although the Bill introduces microchipping and identifies means of directing additional resources towards the district councils to manage the current problems through the increase in the dog licence fee and allowing councils to recoup fixed penalties, it does not address the core problem of dealing with the impoundment of 9,000 stray dogs a year in Northern Ireland, which is another indictment of this community.

**2.00 pm**

Although the Bill creates a new offence of prohibiting the attack of one dog on another, it does nothing to address the organised crime of dog baiting and dog fighting. Although it introduces control conditions to dog licences — canine ASBOs, as it were — it does not address the fundamental difficulty in that and all other areas; namely, the involvement of rogue or bad owners. I fear that legislating for that will prove to be extremely difficult, but it is, nonetheless, necessary.

As the Minister stated, 9,000 stray dogs are impounded each year by dog wardens throughout Northern Ireland. That could be the tip of the iceberg, because there are no figures to indicate whether that represents the majority or minority of strays. Nevertheless, it is a startling figure. Of those 9,000 strays, 2,300 have had to be put down either because it has been impossible to return them to their owners, in the case of unlicensed dogs, or because it has been impossible to house them in other caring homes.

I appreciate that not all of those dogs have been allowed to stray deliberately. However, the vast majority stray due to poor ownership and control. People for whom dog ownership is too great a burden or too much like hard work simply do not care about what they are supposed to do to be a good owner. It is, therefore, unlikely that that section of society will bother to microchip their dogs or ensure that their dogs are licensed. It is unlikely that that group will care to take action to impose conditions that are placed on a licence. It is also unlikely that those careless individuals will have provided their dogs with an appropriate level of training, which may eventually prove to be the difference between a dog ignoring a child and a dog attacking a child.

A great deal of scientific literature on animal behaviour sheds light on cases of dog attacks. In reviewing that literature, it is interesting to note that a dog owner is directly responsible for the presence or absence of most factors that determine whether a dog will or will not bite. A report by the American Veterinary Medical Association task force on canine aggression and human/canine interaction entitled 'A community approach to dog bite prevention' refers to five factors that are commonly associated with dog biting. One is breed and the parents of

the attacking dog. That refers to aggression as a type of behaviour that has been bred into certain breeds of dogs and the characteristics of the sire and the bitch that produce a dog.

Another factor is socialisation of a dog; how a dog has been desensitised to stimuli, especially that produced by children. The results are poor socialisation, less inhibition to bite and engagement in other undesirable behaviour. Another factor is dog training, which refers to the nature, degree and quality of training that a dog receives. A dog that has been trained to threaten people is an obvious danger, as is a dog that has been poorly trained, not trained at all or is not used to being in children's company.

Dog health is another factor. If a dog is sick, injured or in pain, biting can result for a number of reasons. Of course, the victim's behaviour is also a factor. That can include a baby rolling over in bed. Although it is not directly related, we have heard in the news recently about two children being attacked in their cots by a fox that had entered the home. Certain movement can provoke a dog that is not properly trained. Hitting or smacking a dog inappropriately can also provoke undesirable behaviour; namely, biting.

The Bill does not take any of those factors into consideration. It does not address or control dog breeding despite repeated calls from legitimate breeding establishments to introduce stricter regulations on the industry, to abolish "puppy farms" and to legitimise proper breeding establishments where the health and welfare of animals are paramount.

The Department will say that the 1983 Order legislates for breeding establishments, which it does. It defines a breeding establishment as one that contains three or more unsterilised bitches intended for the purpose of breeding. The Order goes on to state that, in such cases, those establishments must register with the local council, and it imposes the fine of £200 if an establishment fails to register — only £200. The average litter size is six puppies, and the average price of a puppy will be £250, so the potential turnover for breeding from an animal is £1,500. Therefore, a £200 fine is hardly a deterrent. That matter needs to be addressed if we are to do what the Minister says and protect the public, promote ownership and penalise the irresponsible.

The Bill does not address how an animal is to be trained or, more importantly, how an owner

is trained in controlling a dog and becoming a responsible dog owner. Scottish legislation on the matter included dog-handling training as one of the criteria of condition notices, making it obligatory to attend and to complete a training course on controlling dogs in public places. That would not necessarily be an expensive or bureaucratic process, but the outcomes of placing such a condition could be priceless in saving the life of a child or protecting another animal from serious injury from an untrained dog.

*(Mr Speaker in the Chair)*

We have an obligation to protect our community from dog attacks. We also have an obligation to maintain the welfare of our pets, of which the dog is a primary companion. The Bill has the potential to achieve much, but it requires that the Minister and the Department work closely with the Committee to enhance and to develop the legislation in order to ensure that it is not just a transfer of bureaucratic processes from the Department to local councils but that it achieves the policy outcomes of protecting our families and friends from attacks by dogs; that it deals with the problems of stray dogs by regulating breeding establishments; that it offers severe deterrents to those who seek to profit from the organised crime of dog fighting; and that it brings to an end the needless culling of 2,300 dogs each year in Northern Ireland.

My Committee wants to support a piece of legislation that protects the public. It wants to support legislation that promotes careful, good and beneficial ownership and penalises irresponsible ownership. We believe that by working with the Minister, the Committee can help to shape the Bill to become a good and strong Act that achieves the outcomes that the Minister expressed today. The Committee for Agriculture and Rural Development looks forward to working with the Department on the Bill at Committee Stage.

**Mr W Clarke:** Go raibh maith agat, a Cheann Comhairle. I also state my appreciation to the Minister for bringing forward the Dogs (Amendment) Bill. It is long overdue and has to be welcomed by society. I declare an interest in relation to the licence fee, as I own a dog.

The Bill endeavours to develop good policy in regard to ongoing problems associated with the ownership of dogs. I agree with what the Committee Chairperson said about responsible dog owners. We need to look more closely at

the fact that anybody can own a dog without any restrictions. We need to play a greater role in scrutinising that. We are discussing the broad principles, and the heart of the Bill, as the Minister said, is about combating attacks by dogs on human beings, particularly on children. The Minister referred to children who lost their lives across the water. Indeed, a week ago, there was an attack on a child in Northampton. Luckily, the child survived and is making a recovery, but such attacks happen on an ongoing basis. It is, therefore, vital that we have the best legislation that we can possibly get.

Another point was made about attacks on other pets. I am aware of an incident in my constituency in which a small family pet was mauled by a number of dogs. I am sure that other Members are aware of similar situations. There is heartache associated with that, when an elderly person is out walking a dog and the dog is mutilated and destroyed in front of their eyes. Therefore, people face the double injustice of losing their pet and experiencing the suffering caused by the incident. I, therefore, welcome that important provision.

As regards urging a dog to attack: on many big housing estates, drug dealers see a dog as a badge of honour and as a weapon with which they can intimidate members of the community by threatening to set the dog on them. I, therefore, welcome the provision to make that an offence.

It is a disgrace that more than 2,000 stray dogs a year are put down. Anything that helps to resolve that problem, microchipping in particular, is essential to the legislation. The Minister outlined that microchipping is a more efficient way of finding a pet and that it saves time and resources for council dog wardens and enforcement officers. I told the Committee that I was a bit concerned about the cost of microchipping and about the fact that people must microchip their dogs before they can get a licence. I would prefer a council one-stop shop system through which people could get their dogs microchipped and licensed. The cost should be built into the licence fee. There has been talk of the possibility of charities carrying out microchipping, and that is all very well. However, I wish to see greater clarity on microchipping and greater safeguards for the community and responsible dog owners to ensure that they are not punished with respect to the amount of money that they must pay for microchipping. People have said that

microchipping will not cost that much and that it is a small price to pay. I wish to see that built into the system to ensure that there is no confusion for responsible dog owners who want to microchip their dogs.

The Chairperson touched on the issue of the licence fee. I thought that a £50 fee was extortionate, and we all objected to it. I thank the Minister and her Department for taking that on board. A fee of £12.50 is more appropriate, and I welcome the fact that people on benefits will pay a reduced fee, the over-65s can get a free licence, and the owners of neutered dogs will have to pay only £5 for a licence. Those are all positive aspects.

I also want to touch on the provision for dog wardens to put control conditions on a licence. Dog wardens can put extra conditions on a dog owner if a dog is in the habit of biting or attacking other dogs in the park. Such conditions will include keeping the dog muzzled or on a leash. That is an important aspect of the Bill.

The Committee Chairperson also talked about dog breeders. Dog breeders told the Committee that they want more departmental guidelines and regulations put in place to eradicate rogue breeders and rogue breeding establishments; namely puppy farms. The breeders said that such farms do the industry a disservice and they wish to see them eradicated. Dog breeding is a rural business, and it must be recognised as such.

The legislation will place extra responsibilities on councils. I welcome the licence fee increase, and it is important that that money stays with the councils. The Committee also talked about dog fouling, which is an extreme problem and one of the biggest issues facing councils across the island of Ireland. Microchipping will also help in that regard, because it will place a greater focus on dog owners by making their dogs more traceable.

I welcome the Bill, a Cheann Comhairle. I look forward to Committee Stage and to working our way through the Bill, clause by clause. Dog ownership is a big issue. I do not think that dogs are born bad; it is the way that they are brought up. We need a greater understanding of that and greater accountability for dog owners. That could be done through some sort of charter that owners would sign up to when obtaining their licences, or through greater guidelines on

how to behave responsibly and to look after dogs and their welfare. It is no good having a dog that is left at home, barking all day and night and annoying the neighbours. We have all experienced that. That is no way to treat a dog. People should not get a dog if it is going to be left in the house, day and night. Those are the types of things that we need to look at through this process. However, I welcome the Bill.

## 2.15 pm

**Mr Elliott:** I support the principles of the Bill and welcome the Minister and the Department's bringing it forward. There have been some discussions around trying to bring the Bill forward at this time, because of the compact legislative process involving the Department and the Committee for Agriculture and Rural Development.

There are four main areas covered by the Bill: dog fighting; stopping attacks on people, particularly children; stopping attacks on other dogs; and reducing the number of stray dogs and dogs that are put down every year. As we heard from the Committee Chairperson, that number is sometimes calculated on an hourly, never mind yearly, basis.

I note the Minister's intention to address the issue of dog fighting through animal health legislation. However, I would like to see more reference to it in this Bill, because it is a very important issue. For any dog or animal lover, organised dog fights are soul-destroying to hear of and hugely depressing to witness, as we did recently on some TV programmes.

Stopping attacks on people, particularly children, is one of the main focuses of the Bill, and is something that we must stamp out. If we do not, people will have no faith in the legislative processes of the Assembly. It is something that we must curtail. I also welcome the new legislation to cover dogs attacking other dogs. That is something that should help with regard to public accountability.

Reducing the number of stray dogs and dogs that are put down every year is an issue that needs more identification in the Bill. Unless there is a real onus on local councils to do something, I am concerned that that number is not going to be significantly reduced within the confines of the Bill. It is local councils that are at the forefront of policing the legislation. I welcome the amendment to article 37 of the



Dogs (Northern Ireland) Order 1983 to allow for fixed penalties to be paid to district councils. However, I question how the Bill will result in there being fewer stray dogs and fewer dogs being put down every day, month and year. We need to see more resources going into that practice, because if they do not have the resources, they cannot do it. I am not sure that a £50 fixed penalty fine will greatly assist. A much wider financial power may be necessary to help local councils to do it. I declare an interest as a member of Fermanagh District Council.

Earlier proposals, such as a £50 licence fee, were touched upon. I am pleased that the Minister and the Department took cognisance of what the Committee said on that issue: it would have resulted only in more people keeping unlicensed dogs. That would not have reduced the number of dogs in the community; rather, it would have reduced the number of unlicensed dogs and those that were not microchipped.

Broadly, I support the principles of the Bill. There is quite a bit to go through at Committee Stage, and I am confident that the Department and the Minister will listen to many of the issues that the Committee will raise. I look forward to that.

**Mr P J Bradley:** I, too, thank the Minister for her presentation, and I thank her Department for the work that has been done so far on the Dogs (Amendment) Bill.

I share the accepted view that the Dogs (Northern Ireland) Order 1983 was weak in not dealing adequately with all the problems that are caused not only by dogs but, in the main, by irresponsible dog owners. My opening question is not made in jest, lest someone thinks that it is. It is genuine, in that I wish to know the Department's definition of a dog. At what age does a pup become a dog? Is it at three months, six months or a year? I simply wish to establish how old a dog should be before the provisions of the Dogs (Amendment) Bill become applicable. In other words, how old must a dog be before its owner can be compelled to license it or to have it microchipped? The answer will be of interest to those who give away little pups as soon as they are weaned. Will those people be in breach of the regulations if the pups are unlicensed or are not fitted with microchips? I do not expect an answer today, but perhaps we could have an answer before the Bill goes back to the Committee.

The Committee was told during a recent evidence-taking session that dog wardens in Northern Ireland investigate about 700 dog attacks a year. That is almost two attacks a day for every day of the year. When the Committee was deliberating the key points of the Bill, there was, as we heard today, too, unanimous agreement that the protection of children should take precedence over everything else that the Bill is designed to do. If the Bill fails to offer 100% protection to our children and members of the public, it will be no different from the 1983 Order, which we are anxious to improve upon.

Clause 1, which deals with exemptions, will extend the exemption from the requirement to have a dog licence from beyond guide dogs to all assistance dogs that are defined as:

*"a dog kept and used by a disabled person...wholly or mainly for the purpose of assisting that person to carry out normal day-to-day activities".*

I suggest that a disabled person who relies on a dog for companionship and who gets benefit just from having a dog in close proximity be included in the exemption category. The cost of forgoing a charge in such exceptional circumstances should not be a consideration, as the benefits of owning a dog are invaluable to certain disabled people.

There was considerable debate on clause 2 and the cost of the compulsory microchipping of dogs, which has been mentioned. There was also debate about who should be permitted to carry out the installation process. Engaging members of the veterinary profession is considered by some to be the most expensive way to do the work. I have no idea how many dogs there are in Northern Ireland, but I wish to concentrate my remarks on a small percentage of the overall number, namely, dogs that are owned by farmers and livestock owners.

Given that livestock owners have at least three compulsory visits a year for TB and brucellosis testing, it should not be too difficult for the Department of Agriculture and Rural Development to introduce a low-cost microchipping programme to be carried out as its vets and private sector vets financed by the Department make their obligatory calls. Farmers and livestock owners would not require the service every time that a vet visited. Thus, the more or less one-off cost would be minimal. That would allow DARD to lend a level of real

and effective support to the intentions behind microchipping, which are outlined in the Bill.

The Bill provides for an increase in the dog licensing fee to an inflation-linked level of £12.50, and there are references to free licences and concessionary rates, which I welcome. As one who challenged the Minister's earlier proposal to increase the dog licensing fee to £50, which, thankfully, she promptly withdrew, I have no difficulty accepting the more realistic fee of £12.50 that was suggested. In her summing-up speech, however, perhaps the Minister will elaborate on any upper limits that may apply when the inflation-linked principle is introduced. I ask that because I fear that in a few generations, we could find ourselves, courtesy of index-linking, nearing the £50 licence fee that was earlier rejected by so many.

Finally, I repeat my earlier comments on the importance of getting the Dogs (Amendment) Bill right. Its early delivery is important. It is even more important, however, that the end product delivers an unchallengeable document that will protect our children, the public, and the dogs and pets that are owned by responsible animal owners.

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

*The debate stood suspended.*

**2.30 pm**

## Oral Answers to Questions

### Office of the First Minister and deputy First Minister

**Mr Speaker:** Question 7 has been withdrawn.

#### **Budget: UK Regions**

1. **Mr Spratt** asked the First Minister and deputy First Minister to outline any discussions that have taken place with other devolved regions of the UK following the recent budget announcement. (AQO 1357/10)

#### **First Ministers' Meeting: 24 May 2010**

5. **Mr Bell** asked the First Minister and deputy First Minister for an update on their recent meeting with the First Ministers of Scotland and Wales. (AQO 1361/10)

**The deputy First Minister (Mr M McGuinness):** With your permission, Mr Speaker, I will answer questions 1 and 5 together.

The First Minister and I were pleased to welcome the First Minister of Scotland, the First Minister of Wales and their ministerial colleagues to Parliament Buildings on Monday 24 May 2010. We had a constructive meeting and a wide-ranging discussion, at which we considered the implications of the recent change of Government in London for the devolved Administrations.

We all welcomed the commitment, given to each of us by David Cameron, to constructive engagement with the devolved Administrations. We also discussed the implications of the Budget cuts that were announced that day, as well as options for addressing the current financial settlements and our approach to those. The agreement of a new memorandum of understanding between the British Government and the devolved Administrations in March 2010 reflects our shared commitment to the development of good working relationships between us. The meeting on 24 May was, therefore, another positive step in building on that commitment and in ensuring that the interests and concerns of this Administration

and of those in Edinburgh and Cardiff are fully recognised and addressed by Westminster.

**Mr Spratt:** I thank the deputy First Minister for his reply. Have there been any discussions between the devolved institutions about the special agreement for £800 million for policing and justice that was agreed prior to the election? Will the Northern Ireland security budget be protected to allow for the dissident threat?

**The deputy First Minister:** There were no discussions about that issue during the meeting. The meeting involved representatives from Scotland and Wales and was not, therefore, an appropriate forum in which to have a conversation about that issue. That issue was not raised by Owen Paterson in the meetings that the First Minister and I have held with him. We are taking silence as consent that the agreements that had been entered into by the former British Prime Minister, Gordon Brown, are going to be underwritten by the new Administration. It is very important to note that, in a meeting with the First Minister and me in the aftermath of the agreement with Gordon Brown, David Cameron said that he would protect that agreement and hold to it, and that we would continue to move forward to ensure that nothing to do with the financial situation would disrupt the fairly smooth transition from direct rule to the new Administration.

We keep the ongoing situation on the streets under constant review. It is very disappointing that, in recent times, an attack by the UVF resulted in the murder of Bobby Moffett, and, on the nationalist and republican side, armed groups that represent no one but themselves engaged in activities that took the life of young Kieran Doherty. They have engaged in other attacks. From our perspective, however, what is most encouraging about where we find ourselves is the rejection of those groups, for example, by the people of the Shankill Road. I find that tremendously encouraging. I hope that people on the Shankill Road and in other unionist areas of the North also find it encouraging that, at the recent Westminster elections, the nationalist and republican electorate, by its votes for candidates who stood on that ticket, clearly rejected the activities of those unrepresentative groupings. They all need to wake up and smell the coffee; we are not going to allow anyone to drag us back to the bad old days. We are going to respond by making

politics work and ensuring that, as we move forward, we protect all our citizens.

**Ms Anderson:** Go raibh míle maith agat. We are repeatedly being told that everyone has to share the pain of the £6.2 billion cuts to be imposed by the British Government. Will the deputy First Minister provide Members with a breakdown of the cuts that will be shared by the British Departments in Whitehall?

**The deputy First Minister:** It is important to realise that the Departments in Whitehall are taking very little of the pain that is being forced on to the rest of us. Whitehall Departments have successfully passed the parcel on to other parts of public services; local and devolved government; quangos; universities; private sector contractors and suppliers; and others who will take the bulk of the pain.

We must remember that Scotland, Wales and the North are expected to save around £704 million in these cuts, with nearly £128 million coming from our block grant. Those are areas where the people who take the decisions have miniscule or no representation. For example, only one member of the Conservative Party was elected in Scotland, eight, I think, were elected in Wales and none were elected here. Fewer than 10 people from the ruling party in London represent those constituencies. Big decisions about our block grants and funding are being taken in a way that raises serious questions about the right of people to take such decisions against the backdrop of having little or no representation in those areas.

We in the North already suffer the highest poverty levels, lowest income levels, and lower economic growth. The budget cuts will have a devastating impact here, yet the wealthiest parts of England will be left largely unaffected by them. Those are issues that we need to raise in our discussions with the British Prime Minister and others.

**Mr K Robinson:** Has the deputy First Minister ever explored the idea of developing inter-regional support services with his Scottish and Welsh counterparts, so that economies of scale could benefit all the participating jurisdictions that he has mentioned? If he has not, will he give an undertaking to explore that possibility in the future?

**The deputy First Minister:** I am open about this. At a time of great economic difficulty, we need to

consistently challenge ourselves to see how we can develop areas in which mutual benefits can be realised for the people that we represent, not just in our relationship with England, Scotland and Wales but with the South of Ireland. This is a small island of six million people, and what has encouraged me, since the establishment of this Assembly, is the fact that all parties have been quite willing to face up to issues when mutual benefit can be gained for the people that we represent. That is a sensible approach.

**Mr D Bradley:** Go raibh míle maith agat, a Cheann Comhairle. Ba mhaith liom mo bhuíochas a ghabháil leis an LeasChéad Aire as na freagraí a thug sé go dtí seo. Ach tá an cheist seo agam don LeasChéad Aire.

Having met his counterparts from Wales and Scotland, has the deputy First Minister formed any view about the advantages or disadvantages of delaying budget cuts for one year?

**The deputy First Minister:** The representatives of the Scottish Parliament and the Welsh Assembly have their own views about that. It seems that Scotland is on course to defer its difficult cuts until next year. We, as an Executive, are still considering the position. We are seeking more information about how that would have an impact on our revenue and capital. When we have all the information required we will decide the best way forward. It is quite clear from the attitude of all parties and Ministers in the Executive that we are determined to ensure that we protect our front line public services as best we can. We will move forward in that context.

We must also be conscious of the fact that we are in the middle of an economic year. A lot of contracts have been signed, and there are departmental responsibilities for those. The matter will have to be considered very carefully, but Members can be assured that, whatever decisions are taken, they will be taken in the best interests of protecting front line services and the most disadvantaged in our society.

## Presbyterian Mutual Society

2. **Mr G Robinson** asked the First Minister and deputy First Minister what progress has been made with the Treasury and the Prime Minister in seeking a final resolution to the Presbyterian Mutual Society issue. (AQO 1358/10)

**The deputy First Minister:** The First Minister and I have said on numerous occasions that

we take a close interest in the work to find a resolution to the difficult circumstances surrounding the Presbyterian Mutual Society (PMS). We are aware of the distress and anxiety that the issue is causing to a considerable number of our people. The First Minister and I met the British Prime Minister, David Cameron, on 20 May. As a result of that meeting, we are reassured that he recognises the need to push ahead urgently to find a resolution.

We have formally written to David Cameron to ask that he reconvene the ministerial working group to bring forward options for final decisions on the matter. A package of proposals and options remains under consideration. Those include the key features that the Executive agreed at our meeting in April, such as the provision of loans to both a hardship fund and the administrator to facilitate the orderly run-down of the PMS over a period of seven to 10 years. The re-establishment of the ministerial working group will add momentum, and we remain hopeful of securing a satisfactory resolution to the issue.

**Mr G Robinson:** Does the Minister agree that it is essential, and in the interests of small PMS savers especially, to have a final resolution as a matter of urgency?

**The deputy First Minister:** I absolutely agree with the Member. The situation has gone on long enough. All of us at Executive level were hopeful that, in the final days of the Labour Administration, Gordon Brown would have seen the sense in moving forward decisively to resolve the issue prior to the Westminster election. Unfortunately, that was not to be. There is now a new Government, and we seek the re-establishment of the ministerial working group. Taking David Cameron at face value in the initial discussion that we had with him in Stormont Castle, it seems that he is as concerned as we are with trying to reach a resolution as quickly as possible.

We know that there is suffering out there and that our people who were small savers in the PMS face difficult times. Many of those people are nearing the age of retirement or trying to put in place packages for themselves. Others have responsibilities to relatives who are ill or in care homes. All of that is an argument for the situation to be expedited as soon as possible. The First Minister and I are determined to get a result as quickly as possible.

**Mr Kennedy:** I am grateful to the deputy First Minister for his replies. I declare an interest as a modest saver in the Presbyterian Mutual Society. The deputy First Minister has conceded the great concern and distress that the matter has caused a large number of people, many of whom are elderly. Given that the general assembly of the Presbyterian Church in Ireland will meet this evening and all week and that it is scheduled to discuss this important matter on Wednesday, can the deputy First Minister outline any other measures that the Executive and the Assembly can take to expedite the matter?

**The deputy First Minister:** One of the key points is the re-establishment of the working group. It is almost certain that that working group will be reformed. There will be a duty and responsibility on the working group to ensure, in conjunction with the Treasury and the British Prime Minister, that we move to expedite the situation. The First Minister and I have had regular meetings with Stafford Carson, and we understand fully the problems that the matter has presented for the Presbyterian Church and small savers.

We need to move forward decisively against the backdrop of the new arrangements, namely our relationships with Downing Street and the Treasury, to see whether we can get a result that will deal with the ongoing problems faced by the administrator and the hardship cases that clearly exist. At our recent Executive meeting, it was agreed with full Executive support that we should move forward and deal with the hardship approach and the issues that the administrator will have to deal with over a period of what we think will be between seven and 10 years.

**2.45 pm**

**Mr Neeson:** I appreciate the First Minister and deputy First Minister's efforts on this vital issue; however, will the deputy First Minister give me an idea of when he expects the first payments to be made to PMS savers?

**The deputy First Minister:** To be honest, it is hard to put a time frame on that, in the absence of an agreed approach by the British Prime Minister, the Treasury and the working group. However, all those parties understand that the issue must be expedited, and we aim to conclude it as quickly as possible. The Executive have moved forward decisively. We have suggested an approach to the new Government. It is now a matter of awaiting their

response, which I hope we will receive within the next couple of weeks.

### Washington Investment Conference

3. **Mr Boylan** asked the First Minister and deputy First Minister to outline progress on the economic investment conference scheduled for October 2010 in Washington. (AQO 1359/10)

**The deputy First Minister:** Go raibh maith agat. The economic conference is expected to take place in Washington DC in mid-October. The date of the conference has not yet been formally confirmed by the United States Department of State, which is the lead body in arranging the economic conference, and we are grateful to Secretary of State, Hillary Clinton, and to Declan Kelly, the US special economic envoy, for their willingness to host the event to promote investment here.

**Mr Boylan:** I thank the deputy First Minister for his answer. What format does he expect the economic conference to take?

**The deputy First Minister:** As I mentioned, the economic conference is being organised by the State Department. We have been advised that it will be aimed at a small number, probably in the region of 15 to 20, of very senior executives from American companies that have not yet invested here. They will join an equally small number of local chief executive officers and senior representatives from existing American investors. The latter group will talk about the North's business opportunities by using examples from their own positive experiences of running businesses here.

We understand that the conference programme will focus on direct business discussions and will last no more than one full day. It is also likely that there will be an opening dinner on the eve of the conference. It is hoped that Secretary of State Clinton will be available to attend the conference and lead some of the sessions. The conference's key objective will be to allow very senior executives from US companies to hear, at first hand, why an investment here makes sound commercial sense.

**Dr McDonnell:** Does the deputy First Minister agree that the conference agenda may be a little narrow and that he should try to encourage the Department of State to look at trade and other aspects beyond investment? Secondly, will there be some sort of measurement of the success of

the conference? Are there plans for some sort of measurement? Have we measured the jobs or new businesses that were established as a result of the previous conference?

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

**Dr McDonnell:** That is my question. I have no doubt that there were many benefits from the previous conference, but can we benchmark what those benefits were, so that we can do the same going into this conference?

**The deputy First Minister:** When Declan Kelly was appointed economic envoy, one of the first things I said to him was that if I heard there would be another economic investment conference I would probably want to go to the Grianán of Aileach and have a good roar to myself. This is really about jobs and whether we can produce results, and it is fair to say that results have been produced.

The primary objective of the conference in May 2008 was to secure inward investment, and its most immediate impact was the public relations and promotional benefit. That conference hosted the largest delegation of senior US business executives to visit here. Since then, Invest NI has undertaken a comprehensive follow-up programme with key delegates. The conference also provided the opportunity to advance or accelerate some projects that were already in the pipeline prior to the event; for example, projects involving Bombardier, B/E Aerospace and CyberSource.

It takes time for results and investment to flow from such conferences. However, the most notable achievement to date is the New York Stock Exchange's Euronext project, which was announced in October of last year and which promotes an additional 325 jobs. Invest NI remains in contact with many of the companies that visited here in May 2008, and it continues to pursue other investment opportunities. Universal Pictures has decided to come to the Paint Hall in Belfast to make a feature-length movie; and Home Box Office (HBO) has decided to make a pilot series there and said that it would, if the pilot were successful, make a full series. That full series is now being made. I see some Members shake their heads. Perhaps we can get some of them a part in that series if they behave themselves.

*[Interruption.]*

It would have to be a comedy series if some of them are to star in it.

Working through such investment conferences and ensuring that we have a return for the effort made is important. US Secretary of State, Hillary Clinton, said that she is absolutely dedicated to the promotion of economic investment in the North as a way of underpinning the peace process, and she has gone to the trouble of establishing an investment conference of that nature with the support of President Obama. We should take that seriously.

**Mr Kinahan:** I thank the deputy First Minister for his answers. He has partially answered my question. When the US envoy, Declan Kelly, was here, two dedicated business groups were set up. Is the conference and the one or two things mentioned all that has been achieved so far? Is there more that we do not know about? Is there more behind what was set up by those two business groups?

**The deputy First Minister:** There is more to it than the economic investment conference. The suggestion of an economic investment conference came from Secretary Clinton; her decision to appoint Declan Kelly as economic envoy was important. He has certainly hit the ground running; all the parties here know how proactive he is in doing his job. Last week or the week before, the First Minister and I met a very high-powered delegation of senior executives from a US company, which I will not name, that is considering opportunities here. That was set up by Declan Kelly.

There are other opportunities and other engagements in which we are involved. Behind all the talk about the economic investment conference, a huge amount of work is taking place. The prospects for gaining a substantial number of jobs from Declan Kelly's work are good. We must continue to co-operate with him in order to conclude the potential deals that are in the offing.

## Public Service Reform

4. **Mr Beggs** asked the First Minister and deputy First Minister to outline progress in relation to public service reform commitments outlined in the Programme for Government.

(AQO 1360/10)

**The deputy First Minister:** The Executive's commitments on public sector reform are set

out in PSA 20, 'Improving Public Services'. They fall into four broad areas: Civil Service reform; improving access to services; the modernisation of health and social services; and the reform of education and local government, pursuant to the review of public administration (RPA).

In fulfilment of our commitments on Civil Service reform, we have successfully introduced new shared systems for finance, accounting and human resource management. In core ICT areas, we have introduced a new shared ICT network service and introduced an electronic records management system across the Civil Service. Many of the strategic objectives of the Workplace 2010 project are being taken forward through the accommodation strategy. The Minister of Health, Social Services and Public Safety has confirmed that all eight indicators in PSA 20 for which he has responsibility are broadly on track for achievement by 2011. Additionally, progress has been made in modernising local health and personal social services.

Administration costs have been reduced, and productivity and efficiency in health and social care trusts have been improved by increasing bed throughput; more efficient prescribing and procurement; more treatment at home of those with community care needs; and reduced absenteeism.

Education and local government reform under RPA has not progressed as scheduled. Nevertheless, preparatory work, including implementation structures, delivery mechanisms and funding to support change management in councils, is in place.

**Mr Beggs:** It was interesting to hear about new administrative arrangements and the fact that progress has not been made in some areas. Has the Office of the First Minister and deputy First Minister been energised by Her Majesty's new Government's commitment to distribute power and opportunity to the people, rather than holding it in the hands of government? Furthermore, will the Office of the First Minister and deputy First Minister look to carry out a similar exercise in Northern Ireland, so that more decisions can be made closer to the coalface and so that services can improve and be more effective?

**Mr Speaker:** Quickly, please; just questions.

**The deputy First Minister:** I am not at all at odds with what the Member said. It is very important that all Departments and the Executive move forward in a way that allows a far closer connection between the work of government and what happens at grass-roots level. He is absolutely right; there is a huge responsibility on us to do that. However, we do not need advice from others about the need to do so; it is just common sense. Furthermore, every party in the Assembly probably shares that point of view.

**Mr Burns:** Will the deputy First Minister provide the House with an outline of how the savage cuts that are being planned by the new coalition Government in Westminster will impact on our plans for reform? Are we now more likely to see direct cuts in front line services?

**The deputy First Minister:** As I said, the Executive will have to deal with that issue, and we already have to face substantial cuts this year. I did not hear the speech that the British Prime Minister made this morning in England. However, over the weekend, people were clearly flagging up the prospect of a tough speech about what will be required in the times ahead to affect the very substantial Budget deficit. We have a responsibility to deal with the hand that we are dealt, and that hand suggests that, over the next three or four years, we will face some very challenging economic circumstances. Obviously, the Executive have to plan for and respond to those circumstances.

All parties here will be conscious of the fact that one of the difficulties with the type of Government that we administer is that a lot of political parties and Departments work in silos. Therefore, as we discussed at the last Executive meeting, given the challenges that lie ahead, it would be sensible for us all to get away from Stormont Castle and Parliament Buildings for a full day to sit down and work out collectively what we can do to minimise the impact of the cuts, which, although we are opposed to them, are clearly coming down the track, and deal with them in a way that ensures the continuation of front line public services. In these circumstances, we have to be conscious that cuts may be detrimental to the most disadvantaged groups in society, and, whatever happens, we have a duty and responsibility to ensure that we defend the services for those people.

**Mr Speaker:** I will allow Kieran McCarthy to ask a quick supplementary question.

**Mr McCarthy:** I know that there is only one minute left, but I could entertain the deputy First Minister for the next 10 minutes on cutbacks. There is excessive waste in our Administration. We had the Maze; the RPA is not going ahead, and now we have to repay £60 million to the European Union —

**Mr Speaker:** The Member should come quickly to his supplementary question.

**Mr McCarthy:** Where is the £60 million that has to be repaid? Taking it from our Budget will affect the disabled and the elderly. Where will it come from?

**The deputy First Minister:** The Minister of Agriculture and Rural Development commented on that matter — *[Interruption.]*

**Mr Speaker:** Order.

**The deputy First Minister:** It is definitely not a done deal.

We need to recognise that there are things that we can do. Mr McCarthy mentioned the Maze/Long Kesh situation. Absolutely, we can and we will move forward on that. There have been discussions recently about RPA, and although others may have a different view, I hope that that can also move forward. There are things that we can do, and we are trying to address them.

**3.00 pm**

## Employment and Learning

**Mr Speaker:** The Member is not in his place to ask question 1.

### Universities: Pay Restraint

2. **Mr Elliott** asked the Minister for Employment and Learning for his assessment of the assertion by the Secretary of State for Business, Innovation and Skills on the importance of pay restraint in relation to vice chancellors and other senior staff in universities. (AQO 1372/10)

#### **The Minister for Employment and Learning**

**(Sir Reg Empey):** While recognising that universities have the right and responsibility to make their own decisions on the remuneration of their employees, I agree with the Secretary

of State for Business, Innovation and Skills on the importance of pay restraint in relation to vice chancellors and other senior staff in universities at a time of significant pressure on public budgets.

In recognition of that important issue, I wrote to the chairpersons of the governing bodies of both Northern Ireland universities in February, asking them and their remuneration committees to be circumspect when determining any potential increases in the salary packages paid to vice chancellors and senior staff. In acknowledging that the universities need to pay appropriate salaries to attract and to retain leaders of the highest quality, I emphasised that that must be balanced against the scale of pay increases and reductions in wider society.

**Mr Speaker:** Before I call Tom Elliott to ask a supplementary question, I inform the House that questions 5, 6 and 9 have been withdrawn.

**Mr Elliott:** The Minister said that he has written to the chairpersons of the university bodies. What response, if any, has he got, and is he in a position to detail any of that?

#### **The Minister for Employment and Learning:**

Yes, I did get responses. In the main, they were positive, in that there was recognition that in circumstances where there has been a tightening of belts right across the public sector, universities would be circumspect.

I can update the Member in that the University of Ulster's remuneration committee met on 17 May and agreed a proposal put by the vice chancellor that his salary be reduced by 5% and that the pay of the most senior management team be frozen, initially, for 2010-11 in light of the current economic climate and the pressures on salary expenditure in all public and private organisations nationally. Furthermore, Queen's University's remuneration committee has determined that all senior managers of the university, including the vice chancellor, should receive an increase of 0.5%. That is consistent with that of all other staff, who have received 5% in line with nationally agreed pay awards. No agreement has yet been reached for 2010-11. However, it indicates that those institutions are taking seriously the concerns expressed. The Member will recall that there was some negative public comment last year about increases. The message is finally getting through to those institutions and others.



**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. In light of the current state of the economy, does the Minister agree that there is a requirement for pay restraint across all services that receive public funding, particularly those that are in receipt of significant sums of money at senior levels? The Minister said that, in the main, the responses were positive. Does that mean that, on the whole, they were not entirely responsive?

**The Minister for Employment and Learning:**

That is, perhaps, too forensic an examination of what I said. In one case, people decided on a 0.5% increase in pay, whereas others took a different approach. However, that was the only issue.

With regard to the Member's general point, he is correct. I am following up the matter with all bodies connected with my Department, whether they are non-departmental public bodies or whatever. I am doing the same with regard to further education, although the circumstances there are slightly different in so far as those bodies are obliged, in agreement with the Department, to follow national pay agreements and pay policy. Members will recall that, for almost three years, there was an issue concerning lecturers. However, in general, people are realising the seriousness and significance of the current situation.

Even if the chief executives of various organisations do not take increases, it could be argued that the amount of money saved would be relatively minor, but that is not the point. It is a question of leadership and of examples being shown, and if we are in tight times, that principle should apply to the top of organisations and not continually to those at the lower end of the wage scale.

Civil servants come in for a great deal of criticism on this issue. However, people should remember that the vast majority of civil servants, and particularly those who work in my Department, are low paid workers. Only one person at the top of each Department and a few below him or her occupy senior positions. By and large, the bulk of the people for whom I am responsible are low paid.

**Mrs McGill:** Go raibh maith agat, a Cheann Comhairle. I have heard the Minister's response about what the institutions will do. I also heard him say that he will be following up on the issue. Given that the institutions receive

considerable amounts of public money each year, will the Minister consider reviewing the pay of senior management in both further and higher education?

**The Minister for Employment and Learning:**

There is a difference between the relationships that the Department has with higher education and further education. Higher education institutions decide the pay, salaries and conditions of their staff through their remuneration committees. As the Member will be aware, most of those decisions are based on national agreements, and that is very much the case with lecturers. On the other hand, further education institutions must follow national pay policy, as a result of their specific agreement with the Department. There is a difference in status between the two systems.

It is not the job of the Department to micromanage the institutions. There are boards of governors in place, and there is no point in having those if the Department does their job for them. In the case of higher education, I have written to the relevant board and body. That body has a sub-committee, which is responsible for remuneration, and the final decision on pay will be up to it. However, I pointed out that where substantial amounts of public money are involved, people expect responsibility on pay, and substantial amounts of public money are involved, with further education institutions receiving between 95% and 100% of their budgets from the taxpayer, and higher education institutions receiving just over 40%. I have made it clear that my Department is considering the issue very closely, and I will be very surprised if there is not a sensible response.

**Student Fees**

3. **Mr McCartney** asked the Minister for Employment and Learning when the review of student fees will be released for public consultation. (AQO 1373/10)

**The Minister for Employment and Learning:**

I am considering the final report from the review's independent chairperson, Joanne Stuart. I am very grateful to Joanne for her commitment to that important review. Subject to Executive agreement, I plan to launch a public consultation on future student finance policy for Northern Ireland this autumn. That will allow any emerging findings from the Browne review of higher education funding in England to be

considered as part of the Northern Ireland consultation.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin.

Will the Minister confirm whether the decision on tuition fees will be taken before the end of the current mandate in 2011?

**The Minister for Employment and Learning:**

Yes; there will be a decision before the end of the current mandate. There is little point in having a public consultation following Executive agreement if one has already reached a conclusion.

**Mr McDevitt:** Will the Minister give us an insight into his views on the funding of higher education and research and of the role that students should play in that funding? Does he believe that undergraduate students should fund not only their own education but research in that area? Specifically, what is his response to the recent proposals from the Russell Group? Those proposals include, of course, increasing massively the burden on students of funding their own education.

**The Minister for Employment and Learning:**

The Russell Group made submissions to the Browne review in England. Although the terms of reference of our review are slightly narrower than those of the Browne review, the position in England will probably be clear when we consider the review of our group here.

As the Member will be well aware, tuition fees were introduced in 2006, I believe. If universities in Northern Ireland were not in receipt of those fees, they would face problems, because fees generate about £80 million for them. Therefore, we are talking about substantial sums of money, and when we put the report out for consultation in the autumn, we will have to take account of all those factors, including the fact that the reason why we support higher education and spend large amounts of money on it is because it is one of the building blocks of our future economic success and stability. In fact, the largest part of my Department's budget goes to higher education, and for that reason, we believe that it will have long-term benefits.

I have been very strong in my support for increased research in the universities and for collaborative research through not only the US-

Ireland R&D partnership programme but other measures. A plethora of projects is under way, all of which are designed to provide the basis for our future economic well-being. Therefore, higher education is an extremely important area of our work, and I hope and trust that during the public consultation in the autumn, we will hear the views of all stakeholders, including the students, who were part of the review process and who were on Joanne Stuart's team when she prepared the report, and make a considered decision in light of the ongoing financial circumstances in which we find ourselves.

**Mr Savage:** Will the Minister outline to the House the importance of student fees to the Northern Ireland higher education budget?

**The Minister for Employment and Learning:** As I said a moment ago, student fees account for a contribution of approximately £75 million to £80 million per annum to university operating costs. Therefore, it is perfectly clear that it is a major issue. At the moment, a cap is in place to ensure that fees rise roughly by the rate of inflation only. However, if we were to follow the proposals from the Russell Group and others, fees would be increased. People can work out the arithmetic of that themselves.

There is a strong lobby for the removal of fees. That has consistently been the case in the House. Indeed, when those questions were at their height 18 months to two years ago, we decided to have the review to test opinion and to see what the options were. Of course, contributions from students are only part of the story, and the Member will be well aware that we in Northern Ireland give higher grants to students than any other part of the United Kingdom. We have retained that differential, and it has paid off in the sense that participation from challenged economic groups is much higher in Northern Ireland than in any other part of the United Kingdom. We are very proud of that, and we want to protect it. Those issues must be considered when the review takes place.

**3.15 pm**

**Ms Lo:** Queen's is one of the universities represented by the Russell Group. Will the Minister assure the House that if the proposal for removing the cap were to go ahead, middle-income students would be helped to pay their fees?

**The Minister for Employment and Learning:**

In advance of the public consultation, I will not make policy commitments for the simple reason that there is no point in having a consultation process if the outcome has already been decided. We will certainly have to pay attention to the outcome of the Browne review in England, but we will be in a position to do that because our review process and consultation will happen around the time that that review is published.

Although the deputy First Minister referred to it a moment ago, during questions to OFMDFM, none of us is clear about the total size of the future financial pot in Northern Ireland. My Department has done everything in its power to protect further and higher education from the cuts that were generated in Northern Ireland. Those came before those that will flow from the Chancellor's announcement of a few weeks ago, and we have no idea about what we will be confronted with when the Chancellor indicates his Budget in a fortnight's time. In those circumstances, one has to keep as open a mind as possible.

The deputy First Minister also mentioned that the Executive will have to take a very wide view on where they will go when we know what the total arithmetic will be. Several decisions will need to be taken. We need to decide what needs to be done in-year about the Chancellor's announcement of a few weeks ago. We also need to consider the shape of our finances over the following three years. All those circumstances involve big issues, and, at this stage, we will do well not only to recognise the sensitivities and pressures on students and their families but to recognise the fact that other groups, particularly on the health side and the welfare side, will be challenged. We shall await the outcome of the public consultation and then move to take our decisions.

**Universities: Northern Ireland Students**

4. **Mr Moutray** asked the Minister for Employment and Learning how many students left Northern Ireland to attend university in other parts of the UK in each of the last five years. (AQO 1374/10)

**The Minister for Employment and Learning:** The numbers of Northern Ireland domiciled first-year full-time undergraduate students enrolled at universities in Great Britain in each of the past five academic years are: 3,960 in 2004-05; 4,055 in 2005-06; 4,030 in 2006-07; 4,220

in 2007-08; and 4,190 in 2008-09. Those figures represent approximately 30% of the total Northern Ireland cohort attending university in the United Kingdom. It should be noted that outward migration from Northern Ireland has declined considerably since the early 1990s. Of those who gain qualifications through full-time study at universities in Great Britain, close to two thirds typically return to Northern Ireland.

**Mr Moutray:** I thank the Minister for his response. What measures will he take to try to keep more third-level further education students at home in Northern Ireland?

**The Minister for Employment and Learning:**

One of the first pieces of work that I carried out was on what motivated students to leave. In 2008, the Department published the outworkings of research by Professor Bob Osborne of the University of Ulster that began in 2007 at my request. There had been a widely held suspicion, which was expressed in the House, that students were leaving because of a chill factor and that there was, therefore, an attempt to push people out. In fact, his research indicated that that was not the case, apart from in 2% or 3% of cases.

What motivates people to leave is their choice of course, and it is not possible to offer every course with only two universities and the Open University here. There is also the fact that, for many people, going to a local university does not offer the wider experience and the student experience of being away from home and in a different place.

For a combination of all those reasons, we have found that most of those students are what the Department calls "determined leavers". In other words, they go because they want to go, not because they are pushed. However, there is another factor, which is that the relatively high demand for our indigenous universities has the effect of driving up the cut-off points for access; in other words, the qualifications and grades that people need are correspondingly higher. One will find that a number of those who go to university in Great Britain do so because their grades are not adequate for here. Yet, on the other side of the coin, some extremely high achievers go to Oxbridge, among other places, because they have the grades. Therefore, it is a combination of all those factors.

The Member will be well aware that I started the 'C'Mon Over' campaign. We went around the campuses of universities in Scotland, England,

Wales and Dublin to advocate the opportunities to students. We brought with us employers with real jobs at a time when we could do it; we had to temporarily suspend that because the jobs dried up. Nevertheless, we went around those campuses and gave students the opportunity to come back. We sold Northern Ireland to them as a place to work and live. Therefore, I assure the Member that we have been taking measures to ensure that we do everything in our power not to lose high-quality talent, which I am sure is the Member's main concern.

**Ms S Ramsey:** Go raibh maith agat, a Cheann Comhairle. I appreciate the Minister's comprehensive response. Does he agree that Queen's University and the University of Ulster have done a lot of positive work over the past number of years, which has encouraged students to stay here to study? I am glad that the Minister has dispelled the myth that people leave here because of a chill factor in the universities. I think that the universities need to be encouraged to continue the work that they are doing.

I am interested in the 'C'Mon Over' campaign. If we have determined leavers, do they leave for a long period before deciding to come back? I want to encourage the Minister to continue with the 'C'Mon Over' campaign beyond the economic downturn. We need to ensure that people who leave here come back when they have graduated.

**The Minister for Employment and Learning:**

I will need no encouragement to do that. It is vital. We have held events with the universities, and we have tried to get involved in careers exhibitions on the university campuses. We also held events in Trinity College and in the House of Commons in London. We have done everything that we can to ensure that our students are encouraged to come back. Of course, some come back quite some time after their studies, having had experience of work elsewhere, both nationally and internationally. That is a good thing. You cannot hermetically seal this place and not allow anybody in or out. At the end of the day, people need to gain experience, and bringing back experienced people is a good thing. As far as I am concerned, we will keep the programme going, but the Member will be more than well aware that in the current economic circumstances, I want to bring employers with me who have real jobs that they can offer the students there and then. In the

absence of that, I feel that it would be a hollow exercise.

There is one area of activity in which we can encourage students to come back, and that is research, whether that involves a master's degree or a PhD. As the Member will know, we have increased the number of PhD students. We have also put large amounts of money into research and development. Many students will be attracted to studying under particular academics who are leading specific areas of research. We are not leaving any stone unturned in that regard.

**Dr Farry:** Contrary to what Mr Moutray suggested, will the Minister confirm that it is not a negative if people from Northern Ireland wish to study elsewhere in these islands or overseas? It is the norm elsewhere for people to travel great distances from where they were born and brought up to have a third-level education. Will the Minister also confirm that when we are talking about attracting people home, we are also talking about attracting people who have gone to universities and been brought up in other parts of these islands to come to Northern Ireland for their careers?

**Mr Speaker:** I remind Members who want to be called to ask a supplementary question that it is important that they continually rise in their place, and the key word is continually.

**The Minister for Employment and Learning:**

As I said in answer to a previous question, it is a good thing, because people bring back experience, they broaden their horizons and they see how things are done differently. The other important consideration is that they make important contact with people who may be going through their professional careers at the same time. Those personal contacts are useful. It is also the case that we are quite successful in getting people from outside Northern Ireland to come to universities here, and that is particularly true at the research end. People from 35 countries are studying and carrying out advanced research at the centre for cancer research and cell biology at the City Hospital, for instance. That is important.

There has been a small increase in the number of people from outside Northern Ireland coming here to study, not only from GB but the wider world. The universities have significant outreach programmes in Asia and the United States. The Member will also be aware that, last year,

I appointed an individual who is based in the Northern Ireland Bureau in Washington to bring international links to our universities and further education institutions.

**Mr P Ramsey:** The Minister's acknowledgement that more than 20,000 students have left these shores underlines that there is a deficit of university places across Northern Ireland. Does the Minister agree that the best way to reduce that deficit is by making a key investment in future university places and that, key to that, would be the expansion of the Magee campus in the city of Derry?

**The Minister for Employment and Learning:**

Where there is a will, there is a way. As the Member well knows, I am considering a University of Ulster proposal for the Magee campus. I will resist the temptation to give the Member any indication of how that is going to go. However, we are acutely aware that one of the factors that militated against us in attracting students, particularly in the Member's city, was the difference in the regime relating to student fees here and in the Republic. Although the Republic operates a registration fee system, which is less financially challenging than our own, I suspect that at the back of the Member's mind is a suspicion that that may change. The playing field may be more level in a year or so than it is now.

I suspect that we have not heard the last of the question on the Magee campus, as you will well know, Mr Speaker, but, of course, you will be completely impartial in your judgement on that matter.

**Mr Speaker:** Questions 5 and 6 have been withdrawn.

**Further Education: Older People**

7. **Mr Spratt** asked the Minister for Employment and Learning what steps his Department is taking to encourage older people to take up further education courses. (AQO 1377/10)

**The Minister for Employment and Learning:**

My Department is committed to encouraging the participation of older people in further education. The six regional colleges offer a wide and varied curriculum through their main campuses and community outreach centres, which are strategically placed across Northern Ireland. Colleges continue to offer concessionary fees on a means-tested basis, reflecting the ability of the learner, including

older people, to pay. The Department has also asked each college to designate an older person's champion to ensure that all front line staff are fully aware of eligibility surrounding concessionary fees.

**Mr Spratt:** I thank the Minister for his answer. He will be aware that some courses have been cancelled because of affordability issues with older people. Will he ensure that everything possible is done to encourage elderly people to take up those courses, given that they are the lifeblood of social activities for some of them on a weekly basis?

**3.30 pm**

**The Minister for Employment and Learning:**

With regard to the latter part of the Member's supplementary question, I think that we all accept and are aware from our own constituency experiences that issues have arisen — let us be perfectly honest — because of the introduction of the Employment Equality (Age) Regulations 2006, which were designed to help older people. It is interesting to be asked this question on the day when the Assembly has debated the appointment of a Commissioner for Older People.

The truth of the matter is that that legislation had unintended consequences, and the Member knows that. While we were trying to avoid discrimination against older people, we ended up being unable to discriminate in their favour. Consequently, we have made changes. In 2009, I met the Government Minister who then had responsibility for those matters, Bill Rammell. We discussed whether changes in European legislation could assist us in overcoming that particular problem. I still hope that that will be the case.

At the moment, we have several things in place. For example, people who do not have the means can avail themselves of opportunities by applying to the college. I am well aware of the therapeutic benefits to members of the community — I think that is what the Member is getting at — including some people who are very isolated, of having the opportunity to come together. Many courses can give them a focus. Also, many courses, such as those based on IT, can be of great value to individuals. Therefore, I am acutely aware of what the Member is getting at. At the moment, 20,170 adults aged 55 or over are enrolled in further education courses in Northern Ireland. Of those enrolments, 7,793

are on professional and technical courses and 12,377 are on non-professional courses. Therefore, a large number of people are still involved.

## Executive Committee Business

### **Dogs (Amendment) Bill: Second Stage**

*Debate resumed on motion:*

*That the Second Stage of the Dogs (Amendment) Bill [NIA 20/09] be agreed. — [The Minister of Agriculture and Rural Development (Ms Gildernew).]*

**Mr Lunn:** I welcome the Minister's presentation of the Bill. It is actually two years and eight months since the Assembly debated the subject. Nonetheless, the Bill is welcome. My party broadly welcomes its provisions. There are one or two areas of concern, some of which have already been highlighted by other Members. I will go through those that cause me concern one by one. First, I want to refer to the Minister's assertion that politicians get bitten by dangerous dogs. I actually agree with her. I noted that Ian Paisley Jnr said that he was lucky enough never to have been bitten by a dog. I can only assume that he knocks all the doors and does not actually put his hand through the letter box. If he did, he would know what happens to one's fingers.

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

I am not a member of the Agriculture Committee. Therefore, I hope that Members will bear with me if I touch on issues that have, perhaps, already been covered in the Committee. I want to raise the question of the licence fee, which has been mentioned by almost everyone. It is currently £5; the suggestion is that there be an indexed fee of £12.50. I do not like the sound of that for a start. To index a fee of £12.50 seems overbureaucratic; however, there we are. I am glad that the Minister withdrew the suggestion of £50. I am sure that everyone else is too. Back in November 2007, when the Assembly last debated the issue, my party suggested a one-off lifetime fee of, say, £100, which would include the cost of a microchip and be transferable with the dog if there were a change of ownership. I still think that there might be some merit in that.

The position of the USPCA is something that we referred to as well. It does excellent work. However, apparently, it still relies on animal welfare legislation rather than dangerous dogs legislation. If it is called to a place where it is obvious that fighting dogs are bred, it can

remove only dogs that show signs of injury or distress. There could be other dogs that are perfectly healthy, unmarked and, perhaps, not blooded. However, it cannot remove those dogs without a court order and the attention of the PSNI. I wonder whether there is merit in trying to strengthen the USPCA's powers, given its willingness to participate in these things.

Under clause 7, I see that the defence of a landowner or land occupier where an attack occurs on that person's land has been extended to include attacks on other people's dogs. The whole concept seems strange to me. What if one is in the countryside, strays on to someone's land by accident and is bitten by a savage dog? Dogs are no respecters of land boundaries. I wonder about the whole concept. I imagine that, although the owner of the dog might be immune from prosecution in those circumstances, the dog would still have to be put down if it had acted dangerously out of control in a public place. I assume that, even though the attack occurred on private land, it is still a public place.

I am also slightly worried about how trespassing is to be defined. As we all know, plenty of rights of way run through farmland. Is a person who is on a right of way but on someone else's land trespassing? I would not have thought so. It seems to place quite an onus on a dog to recognise a boundary, and, if someone else's smaller dog is just inside or just outside a gate, in one situation an offence is committed, but in another it is not.

Ian Paisley Jnr spoke about what is to be termed "threatening behaviour by dogs". That is an important point, because even a dog on a lead that has been trained to act in a threatening manner — we all know that they exist and that people train their dogs to behave in that way — scares the wits out of people, including children. If such dogs are off the leash, which they obviously should not be, they can still be very threatening but may not be prepared to bite. I wonder whether there is any way in which to extend the wording — I have forgotten what the wording is — to include "threatening behaviour" as well as "being dangerously out of control".

Another Member referred to clause 8, which, through proposed new article 30B of the Dogs (Northern Ireland) Order 1983, includes the various options open to dog wardens, such as muzzling and so on. The notion of holding

compulsory training for dogs is far from stupid. Dog-training classes have a dramatic effect in some cases, and I do not see why we could not add another paragraph to the list of options to include the possibility of issuing an order that makes dog-training sessions compulsory. Ian Paisley Jnr referred to "canine ASBOs" — something along those lines.

In the same list, one of the options open to dog wardens in the case of male dogs is to have them neutered. I am no expert on dogs, but there are plenty of dangerous bitches out there as well. The UK legislation allows for female dogs to be spayed in the same circumstances. I wonder why we have not done so.

Another issue that was raised in 2007 when we debated the issue was the difference in legislation between the North and the South. I do not know whether the law has changed in the meantime, but pit bulls were not illegal at that time in the South. That made enforcement in border areas quite difficult.

That brings me to my final point, which was at the heart of our motion in 2007: the definition of "dangerous dogs". As far as I can see, the definition will not be changed in any way by the legislation and will still cover just four breeds: one is a pit bull type, and the other three are the Japanese tosa, the dogo Argentino and the fila Brasileiro. I do not think anybody in this country has ever heard of at least two of those, and certainly no one has ever seen one. There was a feeling that there might be a Japanese tosa or two around Northern Ireland, but no one is quite sure. For instance, there is no mention of the Japanese Akita — I have never seen one — which, I believe, is every bit as ferocious as the other dogs mentioned. Rottweilers, Dobermanns, German Shepherds and Alsatians are also widely recognised as having dangerous tendencies, yet they are not mentioned. Alsatians, not pit bull-type dogs, are responsible for 50% of the dog attacks on humans in the UK. A pit bull type is not a breed of dog; it is just the description of a type of dog, and it can be cross-bred in many different ways.

The Minister referred to the case of John-Paul Massey from Liverpool, who was savaged to death by a pit bull-type dog. The Chief Constable of Liverpool at the time of the incident commented that the decision about whether to classify that type of dog as dangerous was extremely complex, and, as a result, expert advice had to

be brought in. Expert advice has been routinely used in the Province where owners have protested against an order to destroy their dog. There have also been cases of perfectly docile family pets that have never harmed anybody being put down because a vet or expert decided that they were a dangerous pit bull type.

I am glad to see the Bill at last; it will be a useful piece of legislation. However, we must consider it further, and I look forward to its Consideration Stage, when we may table an amendment or two. I also look forward to the Minister's response today.

**Mr Irwin:** I welcome the opportunity to contribute to today's debate. The progress in updating the legislation, which is 25 years old, is encouraging. It is good practice to ensure that legislation on an issue as important as dog control is up to date and adequately deals with modern situations.

We have all read the horror stories of attacks on children and even babies by dangerous dogs. In too many cases, children and babies have died as a result of such attacks. That is a serious situation; therefore I welcome the Bill's stricter provisions to protect children. The Minister must pursue that priority urgently. More than 700 people were attacked by dogs in 2009; that is a sobering statistic. The small section of dog owners who are not acting responsibly is a blight on society. All too often, dog owners act without due care and allow dogs to roam public areas where young children are present.

I support the provision to allow dog wardens to attach conditions to a licence where a breach of the law has occurred. I hope that the powers available to dog wardens will enable them to check the compliance of such conditions on an ongoing basis. Putting conditions on owners is one thing, but those conditions must be abided by.

I welcome the fact that it will be an offence to allow a dog to attack and injure another person's dog. That is particularly important, as there have been countless incidents across the Province where breeds of dogs that have a reputation for being vicious have been let loose by their owners and allowed to attack other people's pets in parks and those responsible have not been given an adequate penalty. That is scandalous. It has been shocking to hear accounts of such attacks. In many cases, the person whose dog is attacked tries to fend off the attacking dog and gets injured in the

process. The Bill must send a clear message that such irresponsible action will not be tolerated.

The rise in the dog licence fee has caused some concern among dog owners. However, I feel that the increase is not outlandish. We must take note of the fact that, for dog wardens to be able to enforce the updated legislation, local councils must be able to cover the inevitable increase in cost that will come from having increased powers.

### 3.45 pm

I know of a recent case involving Armagh council — my local council — in which an expert from England deemed a dog dangerous. My constituent was brought to court 11 times, and, at the end of that period, the magistrate said that the dog could be taken home if it was neutered and muzzled. Councils must have powers put in place, because no one should have to go to court 11 times before being told whether they can keep their dog. It cost that dog owner several thousand pounds, and he was still allowed to take his dog home at the end of the process. It is important that that is not allowed to happen.

I welcome the fact that concessions in the licence fee will be available to the elderly, those on benefits and those with neutered dogs. There is a niggling feeling that we are asking for more money from the very people who wish to comply with the law, rather than solely tackling the irresponsible dog owners who point-blank refuse to license their animals. However, it is important that the Assembly is responding to a very real issue and updating out of date legislation. That fact must be welcomed. For the sake of our children's safety and for responsible dog owners across the Province, I look forward to the new arrangements being implemented.

**Mr G Robinson:** I welcome the Bill. As the Minister knows, I have taken an active interest in the topic. I appreciate that much more needs to be done to beef up the legislation, and the Committee is actively pursuing the Minister and her Department to tighten up a lot of the concerns that the Committee Chairperson alluded to. The Bill will encourage responsible ownership and act as a deterrent to owners who do not keep their dogs under control. I especially welcome the provision for conditions to be imposed on dog licences where the dog control laws have not been adhered to.



It is essential that dog owners remember that, along with the pleasure that is gained from having a dog, they have responsibilities to the wider community. As the Minister said, we continue to have problems with dog attacks and with straying and unwanted dogs. Therefore, I am pleased to see that microchipping will be a legal requirement for licensing. Microchipping will enable the return of dogs that are genuinely lost to their rightful owner, and it will allow for the tracking down of irresponsible owners who do not make adequate provision for keeping their dogs confined. Microchipping should also help to reduce the number of unwanted strays that must be dealt with, as owners will be identifiable.

It is most welcome that a dog's history will be carried forward to any new owner who lives outside the council area in which a licence was issued. Carrying forward a dog's history will help to clamp down on the sale of fighting dogs, which are sold into a relatively small market. As a BBC report last year highlighted, criminals can import dogs with relative ease. However, a microchipped dog can be traced, and, hopefully, any dog that has not been microchipped can be fully and properly investigated. I support the Second Stage of the Bill.

**Mr Savage:** I very much welcome the Bill, which will go some way to alleviate the situation with problem dogs. The Bill changes the system for the licensing of dogs. Many Members will be aware that several stakeholders have long been of the opinion that the microchipping of dogs should be mandatory. Therefore, it is welcome that the Bill puts such a condition on the licensing of dogs. Microchipping is a practice that responsible dog owners have been undertaking for many years, and, as a result, few owners will have a problem with the provision. The exemption of dogs to which chipping would present a health risk is no excuse for not microchipping.

Providing a lower fee for the licensing of dogs that have been sterilised is a very good and worthwhile idea. Sterilised dogs have a lower chance of straying, and sterilising reduces the number of unwanted dogs. In Northern Ireland, we have a particular problem with unwanted dogs. We put down a staggering number of dogs every year. Giving an incentive to sterilise is a good idea and will help to reduce and eliminate that problem. Providing the lower rate

to pensioners for their first dog is also a socially responsible measure.

Clauses 6 and 7 will, for the first time, make it illegal to set a dog on another dog. It is surprising to me that that is not the case already. Although I am sure that such an action would break other laws, it is good to clarify the law. Clause 8 allows dog wardens to impose conditions on the licence of a dog. That measure enhances the power of councils to regulate dog ownership and gives them the necessary powers to crack down on irresponsible dog owners.

I support the Bill and look forward to it completing the necessary stages without delay.

**The Minister of Agriculture and Rural**

**Development (Ms Gildernew):** Go raibh maith agat, a LeasCheann Comhairle. I am very grateful to Members for their contributions to the debate. They were valuable and informative and, I am pleased to say, broadly behind what I am trying to do in the legislation. Some issues that Members raised also reflected concerns that stakeholders raised during consultation on the policy proposals underpinning the Bill. I will try to respond to the key points. However, I will also read the Hansard report and follow up in writing if necessary. I thank Members for their contribution to the debate on the Dogs (Amendment) Bill and for the questions and issues that they raised. Although the 1983 Dogs Order provides an existing framework for the control of dogs, the full package of new measures in the Bill will put in place a dog control system here that is the most robust of any in these islands.

The North will be the only part of these islands, either North or South or in England, Scotland or Wales, where there will be a requirement for all dogs to be microchipped. That will not only help dog owners here, should their dog be lost or stolen, and help enforcers to identify stray and other problem dogs but should reduce the number of stray dogs that are put down here and the time that strays spend in council pounds. The Bill will make the North the only part of these islands where it will be an offence to allow a dog to attack and injure another person's dog. Dog owners here will be protected from irresponsible owners by the introduction of that offence. It is interesting to hear Members articulating the fact that they are surprised that that is coming into being only now. That

underlines the fact that the 1983 Dogs Order did not go far enough, and that is why it is important to bring this Bill forward.

In addition, although the Control of Dogs (Scotland) Act 2010 will introduce a system of control orders similar to the control conditions introduced by our Bill, no other part of these islands will have such a system. The introduction of control conditions, giving dog wardens the option of placing conditions on the licence of a dog whose behaviour or management has led to a breach of the 1983 Order, will mean that we will have a system here that can intervene in an objective, targeted, flexible and considered way in the control of individual dogs.

A licensing system operates in the South but nowhere else on these islands. Again, maintaining the licensing system here, with licence fees at a realistic level, not only maintains a unique registration system but ensures that it meets more of the cost of the dog warden service.

A number of Members, including the Chairperson of the Committee, asked why the Bill does not deal with dog fighting. Dog fighting is an offence under welfare of animals legislation, and I am bringing forward new powers in a new welfare of animals Bill to increase the maximum penalties for involvement in that abhorrent activity and to strengthen the existing powers of enforcers. For example, I plan to make it an offence to train any animal for a fight and to make, supply or possess any recording of an animal fight without reasonable excuse. I also plan to make it an offence, for example, to have in your possession a treadmill or equipment for training a dog for fighting, even if there is no dog there. If someone has equipment for training a dog to fight and it is clear that that is what it is being used for, he or she will be committing an offence.

I want to make a distinction between the two issues. This legislation is about responsible dog ownership and the control of dogs. The people who train dogs for fighting and the people who go along to see dog fighting are involved in a criminal activity. The PSNI has to enforce the law on that; it is not a job for local councils or for our dog wardens. Dog fighting is a criminal activity, and it has to be dealt with as such. In a new Bill on the welfare of animals, which, the Committee will be glad to hear, is coming close behind this Bill, I will include increased

penalties for anyone involved in dog fighting. There will also be clauses that will mean that an offence can be deemed to have been committed before suffering occurs. Trevor Lunn mentioned dogs being blooded; if a dog has not yet suffered but there is enough evidence that suffering is likely to occur, we will be able to act. It is hugely important that we take time to get the legislation right and that it is fit for purpose.

A number of Members talked about putting all the dog-related legislation in one package. The idea of a catch-all piece of dogs legislation that covers everything from dog fighting to fouling may initially seem to make sense. However, the central objectives of the Bill and of the 1983 Order that it amends are the improvement of the control of, mainly, domestic dogs and the reduction of the harm caused by poorly controlled dogs. It makes sense to try to address those issues with a clear focus. There is other legislation that deals with other aspects of dog ownership, such as the welfare of dogs in kennels or breeding establishments. It makes sense to deal with related welfare issues in legislation that specifically focuses on animal welfare.

Willie Clarke raised the issue of dog fouling, which is treated as an environmental nuisance and is currently dealt with under the Litter Order 1994. In future, the issue will be provided for in the Environment Minister's draft Clean Neighbourhoods and Environment Bill.

A few Members raised the issue of puppy farming. Although dog breeding is currently regulated by the 1983 Dogs Order, I propose to introduce powers in the Bill on the welfare of animals that I hope to bring to the Assembly shortly to allow the Department to regulate a range of activities that involve animals, including the activities of dog-breeding establishments. That will be progressed through subordinate legislation, and specific proposals will be subject to consultation as part of that process. That is an area on which I get a lot of correspondence, not just about puppy farms but about the regulation of circuses. It would do us well to set a wee bit of time aside and deal with the issue through subordinate legislation to ensure that we get it right. Improvements in the standards of dog breeding here will assist legitimate local breeders in marketing their dogs elsewhere; it will be like a quality mark for dogs that are bred here. For the less than legitimate breeders, there will be increased penalties.

A number of Members, particularly Willie Clarke and George Savage, raised the issue of microchipping. Microchipping can be carried out by anybody who has the appropriate training and equipment. The training takes only a couple of hours and is available from a number of sources, including microchip providers and database operators. Many councils that operate rehoming centres from their dog pounds already microchip dogs that they rehome, and they will, no doubt, continue to do so. Therefore, if someone picks up a dog from a pound, it will be microchipped and the information about that dog will be on it.

My officials are also discussing how microchipping can be rolled out with councils and with the charities that already provide microchipping for free or at a reduced rate. The Dogs Trust has already stated that it plans to make 500 free microchips available for every district council. That will be a huge help for people who may have had their dogs for four, five or 10 years and want to get them microchipped. In the first instance, the council will be the best place for those people to go.

People who own a lot of dogs, such as those who operate hunt kennels or trade as commercial breeders, may find it more economical to train a member of staff to carry out the procedure, which is simple, straightforward and not difficult to do.

#### 4.00 pm

Dog owners can have their pets microchipped by their veterinary practitioner, which may prove more expensive. However, there will not be a requirement that microchipping must be carried out by a vet. Compared with the cost of dog ownership over the lifetime of the dog, microchipping is a very small investment that will repay owners by speeding up the reunification process should their dog stray, saving on dog pound costs charged by the local authority and helping to identify and to return stolen dogs. The Dogs Trust alone has microchipped more than 31,000 dogs since 2000.

PJ Bradley made a point about vets coming out to farms and microchipping dogs while there on other business. That approach would have equality implications. To allow a vet to microchip a dog while he or she is out at a big farm — comprising 300 or 400 acres of land and in receipt of a large single farm payment — while other people, who are trying to get by on or just

above the poverty line and, perhaps, do not fit into any concession category, have to bring their dog out to get it microchipped, would not stand up to an equality impact assessment (EQIA). That is a non-starter.

A number of Members, particularly Willie Clarke, mentioned control conditions. Those are important. Trevor Lunn mentioned a one-off licensing fee. The requirement for people to renew their dog licence every year gives the local dog warden the ability to monitor a dog's behaviour. If, when a licence is being renewed, the dog warden is aware of complaints about a dog, he or she can inform the owner that, because the dog has shown problem or aggressive behaviour, restrictions will be imposed on that dog licence. The Bill will enable us to introduce control conditions that will help to manage poor dog behaviour and irresponsible dog ownership. The Bill states:

*“The control conditions which may be imposed on a dog licence by a notice under article 30A are —*

*(a) that the dog be securely fitted with a muzzle sufficient to prevent the dog biting any person when in a public place;*

*(b) that the dog be kept under control when in a public place;*

*(c) that the dog (when not under control) be kept securely confined in a building, yard or other enclosure;*

*(d) that the dog be excluded from any place, or any type of place, specified in the notice”;*

— the notice that attaches the conditions to the licence may specify that that includes a park or school grounds, for example —

*“(e) that the dog (if male) be neutered before the end of the period of 30 days from the date on which the notice takes effect.”*

It is important to note that where a dog warden has reasonable cause to believe that one of a number of offences under the Dogs Order 1983 has been committed, the Bill empowers the warden to attach appropriate control conditions to the licence of the dog concerned. Such breaches may include straying, failure to control a dog on certain roads or land, setting on or urging a dog to attack or allowing a dog to attack a person, livestock or another person's dog.

P J Bradley raised the issue of the licence fee. The Dogs Order 1983 established the block

licence as a concession for those who breed or show dogs or who own hunting or working dogs. Even with the increase in the fee — the first increase since 1983 — keeping three or more dogs on a block licence will be cheaper than licensing them separately.

Some Members talked about the numbers of stray dogs that we have and the numbers of dogs that are put down. The number of dogs that are licensed has risen steadily; in fact, it has risen by more than 30% over the past 10 years. The Bill improves the resources that are available to council dog warden services by increasing the licence fee, raising the levels of fixed penalties and allowing councils to use the income from fixed penalties to fund dog warden services.

I was intrigued by some Members' responses to the proposal to raise the cost of a dog licence to £50. A number of proposals were put to the Department, some of which went to full cost recovery, while others did not. The proposal to increase the cost of a licence to £50 was just that; it was made to get the debate going. It was never my intention, nor did I decide, to bring in a £50 licence fee. That proposal was made as part of the consultation.

Tom Elliott mentioned the £50 fee and said that he was glad that I had U-turned on it. However, no decision had been made. He thought it was great that fixed penalty payments would go to local government as that would give dog wardens more resources to deal with the problem. We have to accept that the cost of the dog warden service is being borne by all ratepayers and not just by dog owners or irresponsible dog owners. We want to get the balance right and resource councils properly to deal with the issue and take stray dogs out of circulation. However, they need resources to do so; and a fee of £12.50 with concessions for the elderly and for people on benefits is a better starting point. Five pounds was never going to cover the costs, and prior to that, a licence cost 37 pence. It has not gone up incrementally; it has gone up in jumps.

**Mr McCarthy:** The Minister has acknowledged that implementation of a £50 fee was, in her Department's view, not a scare tactic but that it scared elderly people in particular at that time. Have the Minister and her Department learned lessons about looking at easier or better

methods of informing people of proposals in the future?

**The Minister of Agriculture and Rural**

**Development:** It is important to point out that the £50 fee was never meant to be a scare tactic. It was one part of a proposal. The scare tactics came about when irresponsible members of the media portrayed it wrongly. I felt really aggrieved that something that was set out as a proposal, among a package of proposals, was misconstrued by the journalist in question.

The same news item, which I watched that night, claimed that dogs would have to be muzzled in public. There is nothing in the Dogs (Amendment) Bill that suggests that all dogs must be muzzled when in a park or public place. It is one of the control conditions to be used if a dog shows behaviour signs that are worrying, or if a dog could be a risk in a public environment. However, it is for individual dog wardens to deal with dogs in an appropriate manner in their area.

That is where the scare tactics were identified by the journalist in question. I think that he tried to get a story out of the Bill and he scared people. We immediately said if the idea of a £50 fee was skewing the rest of the Bill and the good proposals, we would deal with that straight away and take it out of the equation. We want people to talk about what is in the Bill and what will work for them. That is why I did what I did. The fee was only ever a proposal.

A better funded dog warden service will enforce dog-control legislation more thoroughly and increase the number of licensed dogs. Compulsory microchipping will mean that dogs bought from commercial breeders or from pounds or shelters will be permanently identifiable, and that will make licence evasion harder. If an unlicensed stray dog is picked up by a dog warden, the dog will have to be microchipped and licensed before being returned to its owner. That will also bring more unlicensed and un-microchipped dogs into the licensing system.

Many Members rightly mentioned the number of stray dogs that we put down. I agree; we destroy too many stray and unwanted dogs. The number of dogs destroyed has fallen by 80% in the past 10 years to just over 1,300 in 2009, which is still too many. However, it is a significant improvement. The Bill will make the North the only part of these islands in which dogs must be microchipped. That will help reunite lost

or stolen dogs with their owners as well as helping enforcers to identify strays. It should also reduce the number of strays destroyed here even further.

It is also probably good news for Gerry Anderson, because every time I turn on his radio show, he is talking about someone who has lost their dog. If someone has a wee dog who they love to bits, they will do anything to get that dog back if it goes missing. It is very traumatic, and microchipping will help avoid the situation.

There has also been some discussion about breeds as opposed to deeds. Members are right; there are four banned breeds, one of which is more common here than the other three. It is hard to identify them. That is why the control conditions enable any dog that shows aggressive behaviour to be dealt with, regardless of whether it can be firmly classed as a pit bull. The same rule applies for aggressive German shepherds, Alsatians, Rottweilers or Labradors. We want to be able to deal with dogs that show aggressive behaviour in a way that minimises the risk to the public, especially children.

Any dog that attacks is already regarded by law to be a dangerous dog, so I do not get hung up about breeds. However, I am keeping the four banned breeds in the Bill because I know that I could not sleep at night if a pit bull that had not been picked up by the system was involved in a fatal accident with a child. I will not remove the banned breeds. I will strengthen the legislation that gives me the power to deal with banned breeds, and I will deal with the deeds. That is the area in which the Bill will help to protect children.

The Chairman raised the issue of training. Training of the dog, or the owner, or both, was considered as a possible control condition in the consultation proposals. However, we could not get consensus on a favoured approach to training, and the proposal was dropped. However, it may be one of the issues that the Committee will want to tease out in further detail at Committee Stage. Given that we could not get consensus, we felt that it was important to move on to get to the point that we are at today.

I am just running my eye over my notes to see whether there is anything that I have missed. Today's debate has been good, and I am pleased that so many Members got involved in

the discussion. I am very keen that the Bill goes through as quickly as possible. The Welfare of Animals Bill will be a bigger piece of legislation, and there are important elements in it. It is great that we have got to this stage today. The Committee is now in a position to scrutinise the Bill, clause by clause, and in great detail to ensure that we get it right.

To sum up, children are my key consideration. Their size makes them disproportionately vulnerable to attacks by dogs. They are more likely to be attacked, and the effects of a dog attack on a child are more likely to be severe or fatal. Reducing the likelihood of dog attacks will protect children specifically. The Bill will allow council dog wardens to protect the public. It will help prevent further, more serious breaches of the law by attaching the control conditions to a dog licence where owners have failed to keep that dog under proper control. Those controls could make it a condition of the dog's licence that it is muzzled or leashed when in public; kept in a secure place when not leashed; kept away from specified places; or neutered in cases of very aggressive behaviour.

The Bill provides a means for dog wardens to intervene early to prevent more serious incidents and reduce the risk of serious attacks. It also increases the deterrent effect of fines and penalties. That is not something that we often like to deal with as an Assembly, but it is important that we increase the fines and penalties. Specifically, we must increase the maximum penalty for an attack that takes place on private property, which is where most severe and fatal attacks occur.

I thank the Chairperson, Committee members and, indeed, other Members for participating in today's debate. My officials and I look forward to working closely with the Agriculture and Rural Development Committee as it begins its detailed and important scrutiny of the Bill. I commend the Bill to the House.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Dogs (Amendment) Bill [NIA 20/09] be agreed.*

## Roads (Miscellaneous Provisions) Bill: Consideration Stage

**Mr Deputy Speaker:** I call the Minister for Regional Development, Mr Conor Murphy, to move the Consideration Stage of the Roads (Miscellaneous Provisions) Bill.

*Moved — [The Minister for Regional Development (Mr Murphy).]*

**4.15 pm**

**Mr Deputy Speaker:** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list. There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment No 1, which requires certain permit regulations to be subject to Assembly approval. The second debate will be on amendment No 2, which inserts a definition of “film” into the Road Traffic Regulation (Northern Ireland) Order 1997.

I remind Members who intend to speak during the debates on the two groups of amendments that they should address the amendment in each particular group on which they wish to comment. The questions on stand part will be taken at the appropriate points in the Bill. If that is clear we shall proceed.

No amendments have been tabled to clauses 1 and 2. I propose, by leave of the Assembly, to group those clauses for the Question on stand part.

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

**Mr Deputy Speaker:** We now come to the first group of amendments for debate, in which amendment No 1, which requires certain permit regulations to be subject to approval by the Assembly, is the only amendment.

### Clause 3 (Permit regulations)

#### The Minister for Regional Development

**(Mr Murphy):** I beg to move amendment No 1: in page 4, line 4 leave out subsection (10) and insert

*“(10) No regulations to which this subsection applies shall be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.*

*(10A) Subsection (10) applies to—*

*(a) the first regulations under this section;*

*(b) regulations under this section containing any provision which creates a criminal offence or increases a penalty for an existing offence.”*

Amendment No 1 arises from a recommendation made by the Regional Development Committee, having sought advice from the Examiner of Statutory Rules during the Bill’s Committee Stage. I thank Committee members for their helpful recommendations, their detailed scrutiny of the Bill with all interested parties and their timely consideration of the Bill.

Amendment No 1 to clause 3 concerns the delegated powers of the Bill, which currently provides at clause 3(10) that the first permit regulations to be made would be subject to the affirmative resolution procedure, but subsection 11 provides that any other regulations are to be made by negative resolution. The Regional Development Committee has recommended that an amendment be made to widen clause 3(10). Consequently, the first set of regulations under subsection 10 and any subsequent regulations that create a criminal offence or increases the penalty for an existing offence may not be made unless a draft of them has been laid before the Assembly and approved by resolution.

I agree with the Committee’s recommendation and therefore propose to amend clause 3(10) to provide for permit regulations that create an offence or increase a criminal penalty to be subject to Assembly approval.

#### The Chairperson for the Committee for Regional Development (Mr Cobain):

As the Minister has indicated, the Bill was introduced on 18 January 2010 and its Second Stage was agreed on 26 January 2010. During the Bill’s Second Stage debate, I indicated the Committee’s support for the principles of the Bill. The Bill stood referred to the Regional Development Committee on 27 January 2010 and my Committee completed its Committee Stage in order that its report was printed on 26 May 2010.

During the Bill’s Committee Stage, the Committee for Regional Development sought evidence from a range of stakeholder organisations and a number of Departments. The Committee also took evidence from departmental officials. All of that evidence was taken on board when producing the final report.

In addition to the two amendments being debated, the Committee sought and received clarification from the Department for Regional Development on a range of issues, including the cost of issuing permits for works on roads; the need for notice periods before works on roads commenced; the guidance, as against regulations, to be developed for events on roads; managing the impact of works on roads to peak-time traffic flows; the impact of permit scheme proposals on the extension of gas and other utility networks; and the meaning of “special events” in relation to the closure of roads.

The Committee also recommended that the operation of a permit scheme to enable the works on roads is monitored on an ongoing basis and reviewed after three years to ascertain whether the co-ordination of works on roads has continued to improve. This debate is not the time to go into any details of those topics, and I will save my further remarks for the Bill’s Final Stage. However, before I address amendment No 1, with Mr Deputy Speaker’s indulgence, I take this opportunity to thank those who responded to the Committee’s call for evidence and the Department for its co-operation during the Bill’s Committee Stage.

Amendment No 1 relates to the proposal to introduce a permit scheme to carry out certain works on roads. It arose as a result of advice received on the delegated powers of the Bill. Evidence flagged up the need for the first regulation to be made under clause 3(10) and for any regulations containing a provision to which clause 3(3)(e) applies to be laid before the Assembly and approved by resolution.

Clause 3(3)(e) deals with the creation of criminal offences, and the Committee is of the view that the Assembly needs to approve any regulations that introduce new criminal offences or increase the penalty for an existing offence in relation to permit schemes to carry out certain works on roads. The Committee made that recommendation, and the Minister agreed to the amendment of clause 3(10) to reflect that view. I welcome the Minister’s agreement to that amendment.

**Miss McIlveen:** As Deputy Chairperson of the Regional Development Committee, I am pleased to contribute to the Consideration Stage of the Bill. As the Chairperson and the Minister have already indicated, the Committee Stage commenced in January 2010, and the Regional

Development Committee ordered its report to be printed on 26 May.

During the Committee Stage of the Bill, the Committee for Regional Development received evidence from a range of stakeholder organisations and a number of Government Departments. We also took evidence from departmental officials. All of that evidence was useful in the Committee’s scrutiny of the Bill and it was reflected in the final report. I echo the Chairperson’s thanks to everyone who assisted the Committee in producing that report. I also give special thanks to the Committee Clerk, Roisin Kelly, and her Assistant Clerk, Trevor Allen, and their staff for their help.

In addition to the two amendments for discussion in this debate, the Committee explored a wide range of issues with the Department, including the cost of permits for road openings, the impact that a permit scheme may have on businesses and industry, and the management and co-ordination of road openings. The Committee also considered proposals for the closure of roads for special events, as well as the issues which may be included in the guidance to be developed on road closures for such events.

The first amendment relates to the proposal to introduce a permit scheme to carry out certain works on roads and was recommended by the Committee to ensure that a resolution of the Assembly was needed to approve those regulations that would introduce new criminal offences or increase the penalty for an existing offence in relation to permit schemes to carry out certain works on roads. Given what has been said already, I welcome the Minister’s agreement to the amendment.

**Mr Leonard:** Go raibh míle maith agat, a LeasCheann Comhairle.

I support the amendment. There is no need for me to repeat the remarks of the Chairperson and Deputy Chairperson about this worthwhile process, which is brought to fruition today. The Bill is the result of the application of common sense to the permit scheme and special events. The second amendment relates more to events.

Everyone knows that a lot of issues surrounding the permits have a bearing on people in local communities. If the permit scheme can improve communication between applicants and the public authorities, that is well and good. I hope that it will serve the community to a much

greater effect. If there are going to be new criminal offences or increases in penalties for existing criminal offences, it is obvious that they should come before the Assembly. Again, that is common sense. It is good that the Minister has agreed to that amendment. We support the amendment.

**Mr McDevitt:** The SDLP is also happy to support the first amendment to the Bill. I was not a member of the Committee at the time of the Bill's Committee Stage. However, I offer a general welcome to all the Bill's provisions.

Mr Deputy Speaker, I seek your guidance about amendment No 2. Would you prefer that I spoke on that later, or can I raise it now and come back to it?

**Mr Deputy Speaker:** Please keep that until we discuss the second group.

**Mr McDevitt:** In that case, I reserve the right to speak on the second group.

**Mr Lunn:** I agree with the other Members who have spoken, and I will not repeat what they have said. I agree with the Chairman, the Deputy Chairman and those who have spoken. I have only recently been conscripted onto the Regional Development Committee, so I have not been involved in most of the Committee's scrutiny of the Bill. I did not join just last week, like Mr McDevitt, but unfortunately I have not been the best attender in the world. I offer my apologies to the Chairman, and I will make up for that in the future. I have no objection whatsoever to the passage of the Bill.

**The Minister for Regional Development:** LeasCheann Comhairle, I am grateful to Members for their contributions to the debate on the amendment. I concur with the Chairperson and Deputy Chairperson of the Committee in their expressions of appreciation to the Committee staff, those who gave evidence, and staff in my Department and in Roads Service who worked with the Committee on the Bill and the amendments that have come through from the discussions at Committee Stage. I commend this amendment to the House.

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

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

*Clauses 4 to 10 ordered to stand part of the Bill.*

### **Schedule 1 (Schedule to be inserted as Schedule 3A to the Road Traffic Regulation (Northern Ireland) Order 1997)**

**Mr Deputy Speaker:** We now come to the second group of amendments for debate. There is only one amendment; amendment No 2, which inserts the definition of "film" into the Road Traffic Regulation (Northern Ireland) Order 1997.

**The Minister for Regional Development:** I beg to move amendment No 2: In page 7, line 13, at end insert

*"and for the purpose of this paragraph 'film' includes a recording on any medium from which a moving image may by any means be produced."*

Amendment No 2 was also initiated by the Committee, its having taken account of a submission by NI Screen at Committee Stage. Like amendment No 1, it does not involve any change of policy but will remove any ambiguity. I thank the Chairman and the Committee, and I am happy to move the amendment because I am in complete agreement with what is proposed.

The Bill contains no definition of the word "film", and during the Committee's stakeholder consultation, NI Screen, on behalf of the film industry here, sought the inclusion of a definition of "film" to make it clear that filming for television programmes and commercials will be covered. My Department always envisaged that the Bill would cover such occasions of filming. Therefore, I am content to support the inclusion of the proposed definition, which is already on the statute book, appearing in section 5(1)(b) of the Copyright, Designs and Patents Act 1988.

**The Chairperson of the Committee for Regional Development:** As the Minister indicated, amendment No 2 relates to the closure of roads for special events. The Committee supports the development of the film industry in Northern Ireland, and it welcomes the inclusion of making a film in the arrangements for road closures for special events. As a result of representations on behalf of the film industry here, the Committee recommended, and the Minister agreed, to insert an inclusive definition of the word "film", which will ensure that the making of television programmes and commercials are covered. A number of suggested forms of words was discussed. Some were more long-winded than others, and the Committee was content with the amendment that we are discussing. I welcome



the Minister's agreement to table amendment No 2.

**Miss McIlveen:** As already outlined, amendment No 2 relates to the closure of roads for special events. The Committee was pleased that provision for film production was included in the arrangements for road closures for special events, particularly taking into consideration Northern Ireland's growing appeal to the film industry and its positive impact on our economy. Therefore, having taken submissions on behalf of the film industry and having had discussions with the Department, the Committee is delighted that the amendment was tabled, and it welcomes it.

**Mr Leonard:** There is a general and a particular point to be made about amendment No 2. Special events will continue to be important to our communities and to the economy. All of Ireland, north, south, east and west, has become very popular for film-makers. There must be provision for it, so the particular point of including a broader definition is welcome, because it caters for a wider group of activities that the Bill will cover. Sinn Féin supports amendment No 2.

**Mr McDevitt:** The SDLP, too, supports amendment No 2. With your indulgence, Mr Deputy Speaker, I shall make a few brief remarks on some more general points, because I did not have an opportunity to do so during the Bill's earlier stages.

With respect to sporting events, as someone who, along with thousands of others, has occasionally traipsed the roads in the spirit of trying to keep fit, I think that the Minister will probably join me in hoping that the sooner that we can offer Belfast City Council the power to close the roads for its marathon the better.

I welcome amendment No 2's clarification of the word "film". However, I would like the Minister's assurance that the Bill makes provision for other types of public art, such as mass photography using a public space, which is something that has gained a lot of currency in recent years, or a piece of installation art that may be transient but might require the temporary closure of a road. Will the Bill afford local government adequate provision to accommodate such requests from, hopefully, a large number of globally renowned artists who wish to use our streets to make their art?

#### 4.30 pm

**The Minister for Regional Development:** I thank Members for their contributions to the debate and for their support for amendment No 2. Part of the rationale behind the amendment was that there was a grey area with regard to events. As Billy Leonard said, events-based tourism is becoming increasingly important to us. I took part in a wonderful event in my area on Saturday, which required the use of the public road. It was a hugely popular event and showcased all that is best about the community in south Armagh. It included a triathlon, a road race and running.

Local councils are keen to become involved in assisting such events and, therefore, it is important that they have the authority to facilitate events planned by communities. Those events, in turn, contribute to the economic well-being of the community.

The definition of the word "film" is already on the statute books. It is an inclusive definition and includes what is mentioned but does not exclude anything specifically that might be associated with the form of film. We cannot anticipate every single application, but it provides scope for local government to consider applications from people who are interested in promoting the arts or other forms of film. I am satisfied that there is sufficient scope in the definition to allow people to take that into consideration. I commend the amendment to the House.

*Question, That amendment No 2 be made, put and agreed to.*

*Schedule 1, as amended, agreed to.*

*Schedules 2 and 3 agreed to.*

*Long title agreed to.*

**Mr Deputy Speaker:** That concludes the Consideration Stage of the Roads (Miscellaneous Provisions) Bill. The Bill stands referred to the Speaker.

## **Employment Bill: Further Consideration Stage**

**Mr Deputy Speaker:** I call the Minister for Employment and Learning to move the Further Consideration Stage of the Employment Bill.

*Moved. — [The Minister for Employment and Learning (Sir Reg Empey).]*

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

## **Committee Business**

### **Standing Committee Membership**

**Mr Deputy Speaker:** As with similar motions, the motion will be treated as a business motion. Therefore, there will be no debate.

*Resolved:*

*That Ms Margaret Ritchie replace Mr Declan O'Loan as a member of the Assembly and Executive Review Committee. — [Mr P Ramsey.]*

## High Hedges Bill: Extension of Committee Stage

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

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 17 December 2010, in relation to the Committee Stage of the High Hedges Bill [NIA Bill 15/09].*

Go raibh maith agat, a LeasCheann Comhairle. Tugaim tacaíocht don rún le fad a chur leis an Bhille um fáil arda.

I support the motion to extend the Committee Stage of the High Hedges Bill. This is the fourth Bill to come before the Committee for the Environment in recent weeks. Although many Committee members recognised the importance and urgency of the Bill during the debate on its Second Stage, the Committee would not be doing its job correctly if it did not take sufficient time to take evidence and identify all the issues raised by those who will be affected by the Bill.

Within a couple of days of putting out public notices to call for evidence, the Committee was contacted by several individuals, and we must be in no doubt that there is huge public interest in the Bill. With that in mind, and on behalf of the Committee, I ask the House to support the motion to extend the Committee Stage of the High Hedges Bill.

*Question put and agreed to.*

*Resolved:*

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 17 December 2010, in relation to the Committee Stage of the High Hedges Bill [NIA Bill 15/09].*

## Private Members' Business

### Fuel Prices

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer of the motion 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.

**Ms J McCann:** I beg to move

*That this Assembly expresses concern that our fuel prices are higher than in Britain and the Irish Republic; and calls on the First Minister and deputy First Minister and the Minister of Enterprise, Trade and Investment to open up discussions with the major fuel suppliers and the British Treasury to ensure that consumers are not being treated unfairly in terms of pricing mechanisms and taxation.*

Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to propose the motion. I am sure that there is no one in the Chamber who has not heard someone express concerns at the rise in the price of petrol and diesel.

Fuel prices have risen steadily over the past year. On average, it is now £12 more expensive to fill a car with petrol and £10 more expensive to fill a car with diesel than it was this time last year. The situation in the North is unique, because although prices are still slightly higher here than they are in Britain, the price differential is even more acute when it is compared with the South of Ireland. Indeed, petrol here is 5.58p a litre higher and it costs an extra £7.50 to fill an average car with diesel.

The Assembly's Research and Library Services provided Members with an AA report from last month, which shows that the North of Ireland has the highest price for unleaded petrol and diesel when compared with Britain. There is also a problem with localised pricing and a distortion in the prices of fuel supplied by some of the larger retailers in different areas. For example, petrol is cheaper in Sainsbury's in Coleraine than it is in Craigavon, and Tesco customers in Bangor pay 120.9 p a litre for petrol while those in Belfast pay 123.9p.

The price of fuel is made up of the wholesale price of crude oil, the cost of refining it, taxation, demand, competition and exchange rates. Government tax on fuel, including VAT, makes

up almost 60% of the cost to customers at the pumps and, if any significant change is to be made, it must be made in that area. The pre-tax price of petrol and diesel is quite low, and once the 60% tax is added, it makes up almost two thirds of the final price.

Sinn Féin has argued for a special case to be made in the North for other taxes and for corporation tax to be brought into line with the South. A special case should also be made in the North for fuel taxation. We have a unique situation here, because people can drive to the South and get petrol and diesel much cheaper. We must also have a harmonisation of the two tax systems. This is a single island, and we need an all-island tax system.

As I said, we have already debated the need for a separate corporation tax. We need to have that debate and at least explore the issue. Moreover, we must understand that the profits from increases in fuel prices, particularly in fuel duty, do not reach the hands of the Executive here. They go to the British Treasury, which can do what it wants with the money. Therefore, it would be much better if that money were to come to the Executive here to help our communities in other ways.

More people here are dependent on their cars, particularly in rural areas, where public transport systems are less than adequate. When you compare cities such as Belfast to other European cities, we are playing catch-up on public transport. The majority of commercial businesses use the roads for transport and haulage, and those costs are added to the prices that consumers pay.

I want to mention home heating oil. Although the major suppliers of oil to homes for heating are not affected by taxation, we should investigate why prices here are much higher than those in the South of Ireland and in Britain. As we know, gas and electricity are already regulated, and it is time to consider a proposal to regulate oil. I know that the Utility Regulator has said that that is not possible because of the vast amount of oil distributors.

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

**Ms J McCann:** Sorry, I cannot. I have a lot to get through. If I have time at the end, I will give way then.

Although there is a vast number of oil distributors, there are only four major oil importers: BP, DCC Energy, NuStar Energy LP and LSS Ltd. There is potential to enter into discussions with the main oil importers to regulate that industry.

The Assembly has discussed fuel poverty many times. However, the targets for 2010 in the Programme for Government have not been met. In fact, more households than ever before about 50% are in fuel poverty. Most people in areas of disadvantage and deprivation probably live in fuel poverty. We need to look at ways to tackle that. We need to consider what fuel poverty means. It means that older people are sitting in cold homes and acquiring serious health problems as a result. The North of Ireland has the highest proportionate figure in the UK of older people who die as a direct result of fuel poverty. Although we have discussed the issue many times in the Chamber, we need to keep saying it, because recent figures from NISRA show that in 2008, when energy prices were high, there was a 60% increase in the number of cold-related deaths in the North. We need to look at the problem in those terms. When prices go up, more elderly people die because of the cold.

It is important to think about families that have very young children and are income poor. Those children get up in a cold house to get ready for school in the morning and come home to a cold house at night and are unable to study. Some children have to eat cold meals because people do not have enough money to put in their gas meters or electricity meters to cook food. Therefore, when we talk about fuel poverty, we should also remember that some young children are being denied the life opportunities that other children and families might take for granted.

This is not happening in another country; it is happening in our own communities in areas that Members represent. Before the next cold winter, we should try to tackle the issue much more proactively. I appeal to the Executive to do that. I and other Members have previously discussed the introduction of a social tariff for people who are most vulnerable to fuel poverty, especially the elderly and low-income families with young children.

A report on energy brokering was launched today in the Long Gallery. I welcome that report. It puts forward a number of proposals, including

one that has been debated in the Chamber before: that social housing landlords could buy energy in bulk for their tenants, thereby keeping costs low for social housing homes.

#### 4.45 pm

The report also recommends that local and central government procurement bodies link their energy purchasing, thus creating a better deal for domestic consumers under that price arrangement. That means that when buying energy for this Building, for example, government could use its purchasing power as leverage to allow social housing landlords to buy energy for their tenants more cheaply. That would cascade down to the people who are in most need and who are most vulnerable to fuel poverty.

The Executive should look to the example of Kirklees in England, where the local council targeted entire estates with vulnerable households and made homes there more energy efficient. That costs less in the long term. It is about thinking of innovative ways to do this.

I hope that Members will support the motion. It is only a first step. We can look at transparency in the way that prices are arrived at, and at some form of tax harmonisation in the North and South of the island.

**Mr Neeson:** Will the Member agree that not only is there no regulation of home heating oil, there is no regulation of coal and bottled gas? Does she agree that those should be regulated?

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

**Mr G Robinson:** I am struck by the variation in petrol prices in Northern Ireland, never mind throughout the United Kingdom. At times, I have seen differences of 15p a litre in Northern Ireland while on my journey to the House, and I ask myself why. I also ask myself why the major oil companies are allowed to accumulate such massive profits and why the Westminster Government and Treasury charge such a disproportionate amount of tax on fuel, the equivalent of 60%.

It is obvious that the major supermarkets keep prices low to ensure that they stay competitive, but, at times, even that produces widely varying prices from the same retailers, depending on the area of Northern Ireland. Therefore, it is not a huge surprise that some people seek to capitalise on high fuel prices by smuggling

and fuel laundering. I am also acutely aware that, at times, it is advantageous for private motorists and businesses in Northern Ireland to buy their fuel in the Republic. I have heard of people driving across the border with a boot full of jerrycans to fill them and their vehicles with fuel. All that results in a net loss of funds to the Treasury, and given that around 70p per litre goes into its coffers, that is a significant loss of revenue.

In some ways, we cannot blame motorists for trying to acquire cheaper fuel. High fuel prices hit us in Northern Ireland harder because of our reliance on moving our goods by road — this is after the goods' journey to get here either by air or sea. The May 2010 AA fuel price report shows that Northern Ireland has the highest fuel prices in the United Kingdom. I am also concerned that the dearest fuel is in some rural areas, the very areas where people are more heavily reliant on their vehicles because of the lack of public transport.

It would be beneficial if the level of taxation that is applied on fuel in Northern Ireland were looked at by the Treasury and the outcome reported to the Assembly and the Executive for further consideration and debate. I support the motion.

**Mr Cree:** I am pleased that we can discuss the issue of fuel prices in Northern Ireland and the impact that they have on the daily lives of our constituents, both domestic and in business. The motion covers the price at the petrol and diesel pumps and the price of home heating oil. I assume that it also applies to electricity and gas, but they are both subject to regulation.

Wherever I go in my constituency, the same issue comes up time and time again: putting fuel in our cars and oil tanks is getting more costly. However, there is much a more serious issue than making small changes to our daily lifestyle — some people in Northern Ireland now have to choose between food and fuel.

Oil is the first choice for home heating for 72% of domestic consumers in Northern Ireland. This winter was the coldest in decades, and although we have benefited from warm weather of late, the fact remains that the rate of fuel poverty in Northern Ireland is almost three times that of England and over one third more than that which obtains in Scotland and Wales.

Northern Ireland is heavily reliant on private cars for transportation, particularly in rural areas where the public transport system is more limited than in cities. Some 77% of households in Northern Ireland have access to a vehicle, and three quarters of people in Northern Ireland travel by car at least three times a week. Between May 2009 and May 2010, the price of filling a tank of petrol went up by £12 and the cost of a tank of diesel went up by £10.57. That is a staggering increase, which hits hard at household budgets. However, it appears that consumers in Northern Ireland are experiencing more pain than those in other parts of the United Kingdom, and only some of that may be due to increased transportation costs to Northern Ireland.

I am also disappointed by the local variances across Northern Ireland, which, in some places, can amount to a difference of 11p. The previous Member to speak mentioned that. It is of great concern, and I call on local petrol stations to price in an equitable manner that is fair to, and respectful of, the consumer.

International markets, by their nature, are difficult to regulate, and that is not the role of the state. It is my understanding that there has been a growing trend of speculative buying and selling in the marketplace, which has increased the cost of fuel well above the cost of production. The Government also receive significant revenue from the duty and tax on fuel; it is a tax on a tax. Government duty and tax account for more than 60% of the final cost to consumers.

Since 2008, the Conservative Party has advocated a fuel stabiliser. Indeed, the fuel stabiliser was a Conservative Party manifesto commitment. Such a measure would cut fuel duty when oil prices rise and vice versa. It would ensure that businesses and homes are less exposed to volatile oil markets and would create a more stable environment for low-carbon investment. That is entirely the sort of measure that would be of benefit to the consumer and would provide a longer-term cushion.

The Consumer Council's website offers an excellent resource to the consumer whereby you can click on where you live to find out the price of fuel in your area on a weekly basis. I advise all consumers in Northern Ireland to avail themselves of that valuable resource. It is most interesting.

Last month, it was recorded that Northern Ireland had the highest price of petrol and diesel in the whole of the United Kingdom. A more strategic approach to energy in Northern Ireland is needed in the longer term. There is a distinct need to promote and develop energy efficiency for our homes and businesses. The warm homes scheme is useful in improving loft insulation and cavity wall insulation, in addition to a number of other heating measures. We have been saying for years that such measures help, but a great number of houses still lack such insulation.

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

We also need to plan for the future. We need to invest in alternative energy sources, and in the longer term, we need to restructure the entire infrastructure of energy provision in Northern Ireland. The Minister of Enterprise, Trade and Investment needs to commit more resources so that Northern Ireland takes the lead on alternative energy in the United Kingdom. I support the motion.

#### **The Chairperson of the Committee for Enterprise, Trade and Investment**

**(Mr A Maginness):** Although the Committee is interested in fuel and fuel prices, it has not taken a basic position on the regulation of fuel prices. That is a matter for discussion, not just during this Assembly debate but in the Committee at a future date.

I thank the proposer of the motion for raising this important issue. It is a timely motion, and it reflects our overdependence on oil in particular. The price of petrol, diesel and home heating oil has adversely affected Northern Ireland more than other parts of these islands. It is a matter of grave concern to our constituents, 70% of whom rely on home heating oil as their basic source of heat. There is a tremendous dependence on oil in this region.

We have to draw lessons from that, first by seeking ways of reducing that overdependence. As Mr Cree rightly pointed out, we should urge the Department of Enterprise, Trade and Investment to provide renewable energy sources as alternatives to oil. That is a very important message not only to the Department of Enterprise, Trade and Investment but to the Administration. It is something to which the whole Government should address their mind. That is a medium- or long-term solution to our problem. The immediate problem is the high

pricing of petrol and home heating oil: at least 60% of the price of petrol and diesel is due to VAT or excise duty on fuel. The grave volatility in the wholesale price of crude oil in the international markets is an unsustainable and intolerable situation for the ordinary consumer. Since Government accounts for 60% of that price, they are imposing a substantial burden on the ordinary consumer. They have to address that.

Mr Cree referred to a proposition to have a fuel stabiliser. That is an important contribution to the debate. We should be seeking reassurance from the Government at Westminster, which has ultimate control over taxes and fiscal policy, that a fuel stabiliser should be introduced to keep prices stable. That is a sensible proposal. It is needed in this region in particular, because we have at least marginally higher prices than other parts of the UK, and we have a higher price than that enjoyed in the Irish Republic. It is important that we tell the Westminster Government that we have a special concern about fuel prices and urge them to introduce a fuel stabiliser.

The Northern Ireland Consumer Council does a very good job as a watchdog on fuel prices. It should be commended for its tremendous work for the consumer.

**Mr Neeson:** I welcome the opportunity to debate the topic, and, of course, I will be supporting the motion. Bearing in mind the release of a report today on energy brokering, the timing could not be better. The report was prepared by the Housing Executive, the Consumer Council and Bryson Charitable Group and contains some very good suggestions. It gives examples of how significant reductions in costs can be provided for consumers by bulk buying, not only in the UK but in other parts of Europe.

It gives examples not only from the UK but from other parts of Europe. It is worth considering that document to see how we can learn from people who live in other countries.

### 5.00 pm

According to the AA's monthly fuel report for May 2010, Northern Ireland has the highest price for unleaded petrol at 122.1p a litre, compared with the national average of 121.5p a litre. Northern Ireland also has the highest cost for super-unleaded petrol at 129.4p a litre, compared with the national average of 128.6p a litre. For

diesel, the cost is 123.7p a litre, compared with the national average of 122.9p a litre.

The Committee Chairman referred to the excellent work of the Consumer Council. In its May 2010 report, the council found that there are actually large variations in petrol prices between towns in Northern Ireland. In places such as Bangor and Coleraine, the cheapest price for unleaded petrol is 115.9p a litre. However, in places such as Strabane, it is 126p a litre, while in Derry, it is 120.9p a litre.

There can also be variations in each town. In some towns, there are differences of up to 4p a litre. The cheapest price in Londonderry is 120.9p a litre, and the most expensive price is 124.9p a litre. Therefore, the council recommends that consumers always keep an eye on their petrol gauges so that they can get to the cheapest filling station in their towns rather than having to panic buy at the nearest one when they are about to run out of petrol. Shopping around can save a great deal of money over time.

The Consumer Council also estimated that in May 2009, it cost £48.79 to fill a car with petrol. However, in May 2010, that had increased by £12. During the same period, the cost to fill a tank with diesel had increased from £50.99 by more than £10. Obviously, Government duty plays a major part in that because it accounts for 60% of the price of a litre of petrol. There are growing demands from some quarters that the Westminster Government reduce that duty to help out hard-pressed taxpayers. Therefore, the Government are the big beneficiary of those fuel prices.

According to the Northern Ireland Oil Federation, there are several ways that consumers can cut down the costs of home heating oil to ensure that they are not hit for large sums in the depths of winter. One way is to plan ahead and to buy oil when it is cheapest, which is during the summer. Consumers can make savings of up to £60 on December prices if they buy oil in July or August.

Home insulation is another big issue that is connected to home heating oil. Home builders have a responsibility to take into account the best ways to reduce costs for consumers. Earlier, I mentioned the lack of regulation for home heating oil. Certainly, there is a strong case for proper regulation for house coal and bottled gas. I know that a large number of

people throughout Northern Ireland use coal and bottled gas to heat their homes.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. In supporting the motion, I assert my view that the Assembly, in dealing with the issue of fuel prices, must be guided by the consideration of three principles. Of course, the Assembly does not have total devolved authority on the matter, which means that engagement with Westminster, particularly the Treasury authorities, will clearly be involved. One principle is the diversity of energy supply, which colleagues from different parties addressed; competition in energy costs is the second; the third is regulation to protect consumers' interests, particularly if there are strong concerns about profiteering.

Sinn Féin has called for initiatives on the bulk buying of oil and gas to achieve cost savings on behalf of consumers. Although we welcome the opening up of the energy market, which allows Firmus to compete directly with Phoenix, we are concerned that pay-as-you-go households will not have access to guaranteed cheaper fuel because of the failure to put in place the necessary switching systems. I know that they are being put in place, but it is regrettable, since the issue was addressed some 18 months ago — not only by the parties present in the Chamber but by the industry itself — that the regulator has yet to come forward with the mechanism to allow that to happen.

We need to maximise whatever control or influence we have to bring about diversity of fuel supply and regulation across the board. I agree with Sean Neeson. The fact is that, apart from electricity, energy supplies are not regulated in the same direct fashion. It would be useful to ask for some indication through the Committees, particularly the Committee for Enterprise, Trade and Investment, of the regulator's views on the expansion of his role and remit.

Given our housing stock, there are various straitjackets on people's ability to follow the market or to avail of opportunities for cost savings: sometimes houses have not been adapted; sometimes residents rely on solid-fuel open-fire appliances to heat their homes. Although gas might provide an advantage over oil, people may not have the wherewithal to convert to it or to take advantage of it. Such issues can only be addressed strategically to

alleviate the fuel poverty that affects so many in our community.

Parties have demonstrated that fuel prices is an issue that they would like to see addressed. The fact that the Assembly does not have total autonomy in that area should be an incentive for us to seek those additional powers and, if necessary, to engage in negotiations to allow, in that specific sectoral area, greater flexibility in how the Assembly responds to the pressure from our constituencies. Each and every party has experience of the issue and has had to deal with it in its constituency services.

I know from personal experience that, given the difference in price in petrol and diesel, many — including well-known unionist politicians — travelled to filling stations on the other side of the border. It made sense. At one stage, the difference was such that every third fill-up was virtually free.

**Mr Deputy Speaker:** The Member should bring his remarks to a close.

**Mr McLaughlin:** It made sense. I am not making a political point — *[Interruption.]*

**Mr Deputy Speaker:** Your time is up.

**Mr McLaughlin:** The logic is that we continue to look at island-wide opportunities for synergy and harmonisation. I think that unionists have demonstrated that flexibility. Follow through.

**Mr Kennedy:** I want to express my broad sympathy with any motion that draws attention to the impediment that high fuel prices impose on the Northern Ireland economy and on individual motorists. The motion specifies action for the First Minister and the deputy First Minister and for the Minister of Enterprise, Trade and Investment.

In 2008, the now Chancellor of the Exchequer, George Osborne, first announced Conservative plans for a fuel duty stabiliser. The idea was rather simple: when oil prices are high, the fuel duty will be lowered, and vice versa, to keep prices stable and to protect motorists. In April 2010, 'The Daily Telegraph' estimated that, with current pump prices at a then all-time high of £1.20 a litre, the Conservative plan would probably have reduced the price of petrol at the pump by as much as 10p a litre. The new Conservative Secretary of State for Transport, Mr Philip Hammond, has vowed to end what he called the previous Government's war against



the motorist, and, since taking office, he has confirmed his intention to introduce the fuel price stabiliser pledge that was made before the election. I think that we all welcome that.

A report published by the University of Ulster in December 2009 warned that fuel poverty is expected to increase in Northern Ireland as improvements in energy efficiency are negated by increasing fuel costs. People in Northern Ireland suffer from much higher fuel poverty than those in other parts of the United Kingdom. In fact, fuel poverty here is three times as high as it is in England. That stems from a number of factors, such as low income, energy-inefficient households and expensive fuel costs. All those factors must be addressed collectively rather than individually. Fuel poverty can have serious implications on the health and well-being of certain groups in society, particularly the elderly, children and people living with chronic illness. Fuel poverty deeply affects Northern Ireland, and we need to find a long-term solution to it.

The issue is about more than simply the price of fuel. We need to make homes more energy efficient. Schemes such as the warm homes scheme are critical to countering fuel poverty. We also need to become more open to sourcing energy from renewable and sustainable sources that are not affected by the international markets to the same extent as oil is. Energy will always be a vital commodity. Therefore, Northern Ireland must learn to harness local resources. We must increase people's awareness and shift the emphasis on to developing renewable energy. The speculative buying and selling of oil in the world's commodity markets, which has the overall effect of pushing up prices, is outside the control of the Assembly and sometimes of the national Government.

If the difference in fuel prices across Northern Ireland is addressed, that may yield some local results. Coming from south Armagh, I sometimes worry that it has become the diesel laundering capital. Indeed, it sometimes appears that there is more diesel and oil in south Armagh than there is in Iraq. I am concerned that diesel laundering has forced many legitimate operators out of business and encouraged a reliance on the black market and the black economy. We, therefore, need to ensure that we address those issues. Even the Members who tabled the motion must accept that there was and may yet be a link between illegal operators in areas such as south Armagh

and republican paramilitaries. We must be honest enough to admit and address that. I broadly support and commend the motion.

**Dr McDonnell:** I, too, welcome the motion and commend the Members who tabled it. The issue has been with us for a number of years. Sometimes it eases a bit; sometimes it gets worse. The great difficulty is that fuel prices are on an ever upward spiral.

### 5.15 pm

I tried to amend the motion to include specific mention of the appointment of a fuel regulator or tsar. Unfortunately, that amendment was not accepted. However, the tone of the debate so far is in sync with my call for a tsar, and, therefore, I do not feel that there will be any resolution to our fuel problems until someone is in place with the authority to deal with those. Whether he or she takes that authority from the Westminster Parliament or from this Assembly is not really relevant. We need somebody to stand up for the consumer on the price of fuel. Although the Consumer Council does quite a bit, we need somebody with much heavier clout.

The immediate economic effect of rising fuel prices is that transport costs go up, which affects everybody, including the private and public sectors and the health and education sectors. For example, ambulances burn fuel, and fuel is required to meet the Health Service's other transport needs, just as it is required to run school buses and school support services.

In the time afforded to me, I want to concentrate briefly on fuel poverty. It is the biggest scandal of all that in the world in which we live, with all its levels of sophistication, people are living in fuel poverty. No one specific factor leads to fuel poverty. However, the climate and lower household income in this part of the world add to it. High energy prices and poor energy efficiency are also major contributory factors. In 2006, it was estimated that one in three households, which is around 35% of households or 343,000 households, were forced to live in fuel poverty. Given the recent steady rise in fuel prices, allied with rising unemployment and a lack of money, it is expected that up to 50% of households could now be experiencing a degree of fuel poverty. The most vulnerable groups are the elderly, disabled people, those living with a long-term illness, or families with at least one child under the age of 16.

If we are to seriously tackle fuel poverty, we must look critically at pricing mechanisms and at how and why fuel prices in Northern Ireland are much higher than those in Britain or the Republic of Ireland. It is quite clear that, as consumers, we are being disadvantaged through pricing mechanisms and the tax regime. There can be no doubt that fuel companies and, in particular, oil companies, charge as much as they can get away with. On the taxation side, the Government try to charge as much as they can get away with. Other Members have said that more than 60% of the cost of diesel, petrol and other oil goes on duty, and I have seen figures that suggest that the duty is almost 70%. However, it is in the same ballpark, and it means that it costs me perhaps £60 to fill my car with petrol, of which the Government will directly take £40 to £41, with only £19 or £20 going on oil.

We cannot throw the full burden of blame at the oil companies. The Government have to do something about stabilisation and, when prices go up, levelling the duty. However, the latest duty increases implemented by the Government have seen yet a further rise in price, and I am quite sure that this Government will top that up again. On top of the price of fuel, the duty and the tax are crippling the public sector, such as the Ambulance Service and the Fire and Rescue Service, the business community and those involved in haulage and transport.

**Mr Deputy Speaker:** Bring your remarks to a close, please.

**Dr McDonnell:** All that runs counter to government efforts to get us out of the recession. I fully support the motion and add my call for a regulator or fuel tsar to monitor and hold the fuel and oil industries to account.

**Ms Anderson:** Go raibh maith agat, a LeasCheann Comhairle. I greatly appreciate the opportunity to speak in this debate on an issue that affects everyone on this island. We are currently facing a record peak in oil prices, which is placing a huge burden on domestic and business users alike.

Last week, the Consumer Council revealed that in May 2009 it cost £48.78p to fill a 50-litre tank with petrol and £50.99p to fill it with diesel. However, as my colleague Jennifer McCann said, at the beginning of May 2010 it is £12 more expensive to fill a 50-litre tank with

petrol and £10.57p more expensive to fill it with diesel.

As a representative for Foyle — I have not said “Standing up for Derry” for a while — I want to make particular reference to the statistics revealed by the Consumer Council in April that showed that Derry was the most expensive place in the North to buy petrol. That is not whingeing, that is a fact; and it is the second most expensive — *[Interruption.]* — you may laugh, but it is no joke — place to buy home heating oil. We in the North have more winter deaths than Sweden and Germany, where it gets really cold, and I suspect that a disproportionate number of those deaths take place in the north-west, particularly in the city of Derry.

As the motion suggests, there is a huge disparity between what people in the North of Ireland pay at the pumps compared with those in other parts of the island. For example, petrol is almost 6p a litre more expensive in the North than in the South; diesel is more than 15p per litre more expensive. Such price increases impact significantly on hard-working families and businesses of all sizes. They particularly affect those living in rural areas who have no transport alternative except the private car.

Given that 60% of that price is Government taxes, surely steps should be taken to harmonise the price of fuel on the island of Ireland. We should, as was suggested, pursue the idea of a regulator or commissioner to hold those people to account, because what they are getting away with is a scandal.

We recently saw the benefits that an all-Ireland energy market can bring in lower electricity costs as a result of Airtricity entering the market here. We need to show a similar all-Ireland approach to the fuel market and look at progressive ways of harmonising costs across the island, because that makes economic sense.

Of course, that must be coupled with reducing our dependence on the car and increasing the numbers using public transport. Increased demand for car travel will continue to force up the price of fuel. That is a fact. Therefore, Government and public transport providers must focus on improving the coverage, cost and choice of services; alternative sources of fuel should also be explored. The University of Ulster is doing much good work on the possibility of creating a hydrogen highway on the island of Ireland. However, that is for the long term.

What is needed now are direct discussions between fuel suppliers and the Belfast, Dublin and London Administrations with a view to reducing the burden on the consumer here. With the political will, such discussions and programmes of action could emanate from the British-Irish Council and the North/South Ministerial Council.

Pressure must also be maintained on energy companies to introduce social tariffs, which were suggested as a means of reducing fuel bills for vulnerable consumers. Fuel poverty in the North is estimated to be at 40%, compared with 12% in England, 23% in Scotland, and 21% in Wales. Despite that, social tariffs were introduced in England, Scotland and Wales five years ago to compel energy companies to redirect a percentage of their vast profits to reduce bills for the most vulnerable households. It is scandalous that social tariffs were introduced in England, Scotland and Wales, where fuel poverty is only a fraction of what it is here, yet similar steps have not been taken in the North of Ireland.

I welcome the fact that all those who spoke in the debate supported the motion.

**Mr Deputy Speaker:** Bring your remarks to a close, please.

**Ms Anderson:** However, it is an absolute shame that no Minister is here to respond to the debate.

**Mr McHugh:** Go raibh maith agat, a LeasCheann Comhairle. I will restrict my remarks largely to the issue of petrol prices. There has been an increase of as much as 20p in recent months from almost £1 a litre at one point. That goes to show that some people can raise prices for consumers whenever they wish.

The price of petrol in Northern Ireland is roughly 122p a litre; in Yorkshire, it is 120.7p; in south east England, it is 122.1p; and the UK average is 121p. There is a difference of six pence between the prices here and those in the South of Ireland. There is an upward trend in prices all the time, which is what really annoys the public.

There has been a decline in the number of fuel retailers. In 1992, there were 18,000 in the UK, whereas in 2008, there were 9,264. That represents an average of 450 closures a year. In the North, there are 550 fuel-selling retailers. Four per cent of those retailers are

large supermarkets, including ASDA, Tesco and Sainsbury's — approximately 22. Those supermarkets hold 24% of the market, which accounts for 132 stores.

Large supermarkets hold the most control over pricing here. For example, in the same week, Sainsbury's priced petrol at 117p a litre in its Coleraine outlet and at 121p a litre in its Craigavon outlet. Large supermarkets can buy fuel in bulk, and they are able to hold larger volumes of fuel and sell the fuel in a shorter space of time.

The total volume of fuel sold by service stations in rural areas is low and entails a cost penalty due to the distance travelled from the refinery or terminal. The cost penalty is incurred at rural sites, because they require frequent deliveries, sometimes of less than full loads. In addition, the loss of Morrisons has removed some of the competition.

Sixty-seven per cent of the cost of fuel is due to Government duties and tax, which affects every region. The difference between duty and tax in Britain and the Republic of Ireland accounts for most of the price difference between the Six Counties and the Republic. Another reason for the high price of fuel is the natural volatility of fuel markets. As a result, small retailers are forced to buy high-cost fuel. Although large supermarkets can afford to sell fuel cheap due to high demand, smaller retailers cannot afford to sell at lower prices, which means that, in some areas, supermarkets can keep prices high and do not pass on cheaper fuel prices to consumers.

There is an increasing cost incurred by complying with regulations in environmental legislation, which includes changes and updates in tanks, lines and pumps. Smaller retailers struggle to justify the capital expenditure based on projected turnover and profitability levels.

That fuel in Northern Ireland is only six pence more expensive than it is in GB is down to supermarkets and the nature of the fuel market, the competition and transport costs. The solution is to peg fuel excise rates to those in the South of Ireland, as that accounts for the vast majority of the price difference. I know that some people will not agree with that.

**Mr Kennedy:** No, naturally.

**Mr McHugh:** Naturally.

The vital issue for us all is impact on the overall economy, and I agree with a lot of the comments that were made about that. There is also an impact on the poor and the elderly. Sometimes, those people live in the cold and switch off the heat altogether. That is becoming more common. Many of those consumers live in Housing Executive properties and do not have a choice about how they heat their homes; it was imposed on them. Those people do not even have the option of buying small amounts of fuel.

Regulation was mentioned, and maybe the price of small amounts of fuel needs to be regulated as well, because people who buy such quantities are fleeced and charged up to three times what they should be.

During the Enterprise Committee's visit to Europe, members saw that we, as a local area, need to be moving in the direction of renewable energy. Go raibh maith agat.

### 5.30 pm

**Mr Adams:** Tá mé fíor-bhuíoch de mo chairde as an rún seo a chur síos.

I support the motion. High fuel prices have a direct and adverse effect on jobs, food prices, transport costs, domestic and business costs and families. As we have heard, wage levels here are lower than those elsewhere in these islands, and there are greater levels of poverty. That means that fuel poverty is a significant problem for many people, particularly those who are elderly, have young families or who are sick or suffering significant hardship.

A case in point is that of cancer patients. Recent research by Macmillan Cancer Support revealed that cancer patients who are receiving treatment are twice as likely to fall into fuel poverty than those who do not have the disease. However, nothing is being done to help them. There is no onus on gas and electricity companies to provide a cheaper tariff for those patients, nor do they provide a cheaper tariff for those on low incomes.

The Assembly needs to ensure that social tariffs are introduced to compel energy companies to redirect some of their vast profits towards reducing bills for those who are least able to pay. Even in these difficult economic times, fuel and energy companies continue to make enormous profits. Therefore, every effort must be made to utilise existing resources better,

to examine what practical measures are open to the Executive and Departments and to talk directly to the British and Irish Governments about how they can help.

A small example is the way in which, within our own governance, winter fuel payments are distributed. That annual payment amounts to between £125 and £400 to everyone over 60 to help with fuel bills. However, it is not means-tested; it is paid to everyone over that age irrespective of their income. It is even paid to those who have retired to live in other countries. Why should the very well-off receive the winter fuel payment when cancer patients, who, because of the effects of their treatment often need to use more fuel to stay warm, receive nothing? It is a very important issue. I thank my friends for proposing the motion. Go raibh míle maith agat.

**Mr Butler:** Go raibh maith agat, a LeasCheann Comhairle. I thank everyone who contributed to the debate. I sense that there is consensus and I hope that the House will not divide on the matter.

Although the motion dealt primarily with petrol and diesel prices at filling stations across the country, fuel poverty was raised as was the difference in pricing between the two jurisdictions on the island and how fuel is cheaper in the South than in the North. The cost to businesses was also mentioned; Members will recall that the Utility Regulator recently carried out a review of the high cost of electricity to businesses. It was pointed out during the debate that the price of home heating oil is not regulated in the North.

I will go into some Members' contributions in more detail. Renewable energy was mentioned, as was our dependence on electricity and petrol, and fossil fuels such as gas, to heat our homes and use in our transport systems. The Enterprise, Trade and Investment Committee recently visited some renewable energy projects in Europe to see how we could implement similar schemes in the North and on the island of Ireland and reduce dependence on fossil fuels.

Positive signals are coming from the single energy market. It is hoped that Airtricity will enter the electricity market.

There are claims that it is going to offer 10% to 15% reductions to the charges levied by NIE. Members mentioned people switching suppliers

and the fact that pay-as-you-go gas customers cannot switch as readily as others. There appears to be a consensus on this issue. MLAs are being confronted with these problems on a daily basis, but we do not have much control over fuel prices.

Jennifer McCann mentioned the AA report when she moved the motion. That states that we pay some of the highest prices for unleaded petrol and diesel on these islands. She quite rightly mentioned taxation, exchange rates and the wholesale price of crude oil and how that impacts here in the North. She also mentioned fuel poverty and its impact on families.

George Robinson made a good point about the variation of prices across the North. As Martina Anderson said, Derry seems to be getting the worst of that because of the high prices there. Sean Neeson said that the Consumer Council has a good website that enables people to shop around to try to get the best prices. I am not too sure that driving from Derry to Belfast to get fuel would work out cheaper. However, things can be done to try to minimise costs as much as possible.

Leslie Cree mentioned people having to make a choice as to whether they pay for fuel for their cars, heat their homes or put food on the table. All MLAs will have heard of such experiences. We have spoken in the Committee for Enterprise, Trade and Investment about trying to get a focus on renewable energy and wean ourselves off the dependency on fossil fuels. Alban Maginness, the Chairperson of that Committee, also mentioned renewable energy and said that we should look at ways of finding alternative sources of energy for our homes, businesses and transport.

Some Members, including Leslie Cree and Alban Maginness, mentioned the fuel stabiliser that the new Tory/Lib Dem Government talked about. I think it was Danny Kennedy who mentioned the fact that there are moves afoot to action that. We will wait and see how that will impact on us.

I was at the launch of the energy brokering report in the Long Gallery today, as was Sean Neeson. The report has some good examples of how, for example, local councils are trying to get people who use home heating oil to use savings stamps schemes. Jennifer mentioned brokering schemes to bulk-buy fuel for whole estates. Therefore, actions, which would not take a lot of money to implement, can be taken.

The Executive and Assembly should back those ideas.

Mitchel McLaughlin spoke about the supply of fuel, competition and the question of bulk-buying. As he said, the reality is that the Assembly does not have much control over fuel prices; those agreements are very much made in the private sector. We need to have more regulation around fuel. Alasdair McDonnell also referred to the need for regulators, especially for the oil industry. We have that for electricity and gas, but there is no regulation of diesel, petrol, home-heating oil, coal or bottled gas.

The motion calls for the First Minister and deputy First Minister, along with the Minister of Enterprise, Trade and Investment —

**Mr Kennedy:** I am grateful to the Member for giving way. I am interested in his winding-up speech, the end of which he appears to be approaching. However, he has not dealt with the point that I attempted to raise about the large number of rogue fuel operators — coming from south Armagh, I speak from experience — whose proceeds, in part at least, help to fund paramilitary organisations. Is that the elephant in the room of which no one dare speak? Does the Member have any thoughts on how that significant issue might be addressed?

**Mr Butler:** I do not think that the motion is about that issue. When there is a border in Ireland, people will always exploit it, either legitimately or illegally.

**Mr Kennedy:** Therefore, it does not matter?

**Mr Butler:** The motion is not about that. It is about what the Executive can do about the fuel prices that people pay at petrol stations right across the North of Ireland.

**Mr Kennedy:** Therefore, the Minister of Justice has no role to play?

**Mr Butler:** It is not about that. That is just a distraction from the whole issue. We have had a good debate, and it is wrong to make a political point by suggesting that republicans are, or were, involved somehow. It has been going on — *[Interruption.]*

**Mr Deputy Speaker:** Order. I ask that the debate be conducted through the Chair.

**Mr Butler:** The Member made some good points. I do not know whether he is one of the

unionist MLAs who, as my colleague Mitchel McLaughlin mentioned, go across the border to avail themselves of the cheaper prices in the Twenty-six Counties. Perhaps he is, and that is legitimate business.

Gerry McHugh referred to the decline in the number of retailers that sell fuel, and that has not done anything for competition or supermarket prices. Towards the end of the debate, Gerry Adams mentioned that cancer patients, for example, have to deal with high fuel prices on top of all the other costs that they face. He also said that winter fuel payments are available to everyone over the age of 60 and that some people get those payments even though they do not live in Ireland. Winter fuel payments should be means-tested so that we help the people who are in most need, such as cancer patients.

All in all, we have had a good debate, and the House should pass the motion. I hope that the First Minister, the deputy First Minister and the Minister of Enterprise, Trade and Investment will follow up on it so that something realistic is done.

*Question put and agreed to.*

*Resolved:*

*That this Assembly expresses concern that our fuel prices are higher than in Britain and the Irish Republic; and calls on the First Minister and deputy First Minister and the Minister of Enterprise, Trade and Investment to open up discussions with the major fuel suppliers and the British Treasury to ensure that consumers are not being treated unfairly in terms of pricing mechanisms and taxation.*

*Adjourned at 5.43 pm.*