

# Official Report (Hansard)

Monday 7 February 2011  
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# Northern Ireland Assembly

Monday 7 February 2011

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

*Members observed two minutes' silence.*

## Assembly Business

### Suspension of Standing Orders

**Mr P Ramsey:** I beg to move

*That Standing Orders 10(2) to 10(4) be suspended for 7 February 2011.*

**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 February 2011.*

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

## Ministerial Statements

### North/South Ministerial Council: Education

**Mr Speaker:** I have received notice from the Minister of Education that she wishes to make a statement to the House.

**The Minister of Education (Ms Ruane):** Go raibh maith agat, a Cheann Comhairle. Le do chead, is mian liom ráiteas a thabhairt maidir le cruinniú de chuid na Comhairle Aireachta Thuaidh/Theas i bhformáid rannach oideachais. Is in oifigí comhrúnaireachta an NSMC in Ard Mhacha a bhí an cruinniú seo ar 21 Eanáir 2011.

With your permission, Mr Speaker, I wish to make a statement regarding a meeting of the North/South Ministerial Council (NSMC) in education sectoral format. The meeting was held in the NSMC joint secretariat offices in Armagh on 21 January 2011. I represented the Executive as Minister of Education along with the Minister for Employment and Learning, Danny Kennedy MLA. The Irish Government were represented by Mary Coughlan TD, Tánaiste and Minister for Education and Skills. This statement has been agreed with Danny Kennedy and is made on behalf of us both.

Déanfaidh mé achoimre anois ar na príomhphointí ón gcruinniú. Clúdaíonn siad gach réimse comhaontaithe de chomhoibriú oideachais.

I will now summarise the main points from the meeting, ranging across all the agreed areas of education co-operation.

I dtaca le cáilíochtaí múinteora agus aoisliúntas na múinteoirí de, ghabh an Chomhairle a buíochas le TJ Ó Ceallaigh ón tSeirbhís um Fhorbairt Ghairmiúil do Mhúinteoirí agus le Seán Mac Corraidh ón tseirbhís chomhairleach don churaclam as a gcur i láthair comhpháirteach

faoin gclár oibre Thuaidh/Theas trí Ghaeilge i réimse oiliúint múinteoirí agus fáiltíodh roimh na réimsí a aibhsíodh le haghaidh comhghnínmh in 2010-2011.

In respect of teacher qualifications and superannuation, the Council thanked TJ O’Ceallaigh from the Professional Development Service for Teachers and Séan MacCorraidh from the Curriculum Advisory and Support Service for their joint presentation on the North/South Irish-medium work programme in the area of teacher education and welcomed the areas highlighted for joint action in 2010-11.

Ministers noted the recent progress made by the joint working group on teacher qualifications, including the special focus on Irish-medium education and the ongoing liaison between the two teaching councils about issues relating to the professional recognition and registration of teachers in both jurisdictions. We also noted the ongoing contribution of exchanges between the inspectorates of both Education Departments to support the continuing development of inspection practice in both jurisdictions, including the particular focus of the 2009-2010 exchanges on the themes of good practice in literacy and numeracy education and early childhood education.

We welcomed the very positive report on the eighth SCoTENS annual conference, which took place in Belfast on 28 and 29 October 2010, under the title “Teacher Education for Inclusion”.

I dtaca le tearcghnóthachtáil oideachasúil de, chuir na hAíré fáilte roimh an obair chomhoibríoch atá á tabhairt chun cinn ag an dá Roinn ar litearthacht agus ar uimhearthacht lena n-áirítear: tacaíocht do sheachtain matamaitice na hÉireann 2010, sraith imeachtaí, a eagraíodh idir 9 agus 16 Deireadh Fómhair, a raibh sé mar aidhm aici feasacht, ómós agus tuiscint i dtaobh na matamaitice a chruthú go gach duine; an clár leabhar do pháistí a eagraíodh le linn mhí Dheireadh Fómhair 2010. Tá pleanáil idir lámha anois le haghaidh comhdhála i mí Feabhra 2011 leis an teideal oibre ‘Cur Chun Cinn Litearthachta laistigh agus lasmuigh de Scoileanna’; tá treoirthionscadal Am le Léamh á bhunú sa Deisceart le linn 2010/11; agus foilsíodh comhthuaisc leis an gCigireacht Oideachais agus Oiliúna agus leis an gCigireacht Oideachais agus Scileanna ar ‘Conas Litearthacht agus Uimhearthacht a Chur Chun Cinn inár Scoileanna’ ar 15 Nollaig 2010.

Ministers welcomed the collaborative work on literacy and numeracy being taken forward by both Departments, including support for maths week Ireland 2010. A series of events was held between 9 and 16 October aimed at promoting awareness, appreciation and understanding of mathematics for all, and the children’s book programme took place during October 2010. Planning is now under way for a conference in February 2011, with the working title “Promoting Literacy within and beyond Schools”. A Time to Read pilot project is being established in the South during 2010-11, and a joint report by the Education and Training Inspectorate and the Department of Education and Skills inspectorate on how to promote literacy and numeracy in our schools was published on 15 December 2010.

The Council noted that officials will explore the potential to hold a peer learning event on school attendance in spring 2011, with a focus on post-primary pupils. The Department of Education is planning to commission research to establish the underlying causes of and influences on the non-attendance of looked-after children at post-primary level and to identify effective approaches and actions to tackle the issue. The work of the task force on Traveller education is nearing completion, and the Department of Education hopes to receive the task force’s final report by the end of March.

The Council also welcomed the collaborative work under way to develop a toolkit for diversity, to support the professional development of middle management in schools.

I dtaca le riachtanais speisialta oideachais de, chuir an Chomhairle fáilte roimh an dul chun cinn leantach atá déanta ag Lárionad Uathachais an Bhaile Láir, go háirithe maidir lena sheachadadh oiliúna agus le caidrimh chomhpháirtíochta a thógáil le gníomhaireachtaí bainteacha i réimse an taighde. Tá na hAíré ag tacú fós le hiarrachtaí an lárionaid agus na Ranna Oideachais araon chun plean ilbhliantúil a fhorbairt d’fhorbairt thodhchaíoch an lárionaid.

The Council welcomed the continuing progress being made by the Middletown Centre for Autism, particularly its delivery of training and the building of partnership relationships with relevant agencies in the area of research. Ministers continue to support the efforts of the centre and the two education Departments to develop a multiannual plan for the centre’s future development.

I dtaca le malartuithe scoile don óige agus do mhúinteoirí de, thug an Chomhairle dá haire gur críochnaíodh cleachtadh scóipe ar leibhéil reatha agus úrnua comhoibrithe oideachais agus teagmhálacha le cúnamh an Lárionaid um Staidéar Trasteorann agus an Chuibhreannais Malartuithe Thuaidh/Theas; gur críochnaíodh measúnú den chéad bhliain den tsraith phíolótach fiontair den chlár ag díscáileadh teorainneacha agus go rabhthas ag dréim le comhthuaisc a fháil ón dá chigireacht ar chríochnú a measúnaithe fhoirmiúil den chlár; agus na díospóireachtaí leanúnacha ar chomhoibriú amach anseo maidir le formhuiniú cáilíochtaí obair óige chun tacú le dea-chleachtas agus é a chinntiú agus soghluaisteacht agus malartú proifisiúnta a éascú ar bhonn thuaidh/theas agus thoir/thiar.

The Council noted the completion of a scoping exercise on current and recent levels of educational co-operation and exchanges with the assistance of the Centre for Cross Border Studies and the North South Exchange Consortium. It noted that an evaluation of the first year of the pilot enterprise strand of the dissolving boundaries programme has been completed. It looks forward to receiving a joint report from both inspectorates upon completion of their formal evaluation of the programme and ongoing discussions on future co-operation and endorsement of youth work qualifications to ensure and support best practice and facilitate professional mobility in exchange both on a North/South and east-west basis.

We also noted that the Causeway programme, which strengthens and improves relationships between young people in England, Scotland, Wales and the island of Ireland, has supported the activities of more than 5,500 young people and youth workers since its commencement in 1999 and that a celebration event for the programme is planned for March 2011. Ministers welcomed proposals for the 2010-11 North/South student teacher exchange project.

Mar fhocal scoir, d'aontaíomar gur chóir go gcasfadh Comhairle Aireachta Thuaidh/Theas i bhformáid rannach oideachais in earrach na bliana 2011.

In closing, we agreed that the North/South Ministerial Council should meet again in education sectoral format in spring 2011.

**The Chairperson of the Committee for Education (Mr Storey):** At least there was

one beneficial outcome of the meeting on 21 January, which was the agreement between the Minister and the Minister of Finance on EYF, as opposed to the lack of substance in her report to the House. Given that her report mentions that there was discussion on good practice and collaborative working in numeracy and literacy, will the Minister tell the House why the House still has not been informed of the numeracy and literacy policy for the children of Northern Ireland? I remind the Minister that 31 months ago the House was told that there would be a policy. While she wastes her time with promises, aspirations, conferences and discussions, there has been no product or delivery. That is the Minister's legacy. On the basis of her report, I am glad that it will be the last that she delivers to the House.

**The Minister of Education:** First, Mr Storey keeps banging on the drum about EYF. *[Interruption.]* It is not even relevant to the North/South conference on literacy and numeracy. *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of Education:** Given that he raised the issue, however, one would think that he is disappointed that the Minister of Finance and I reached agreement on an issue that is so important to schools. I respectfully suggest to the Chairperson of the Committee for Education that, instead of trying to berate the Minister of Finance and me for reaching that agreement, he would be better to support our work in that regard.

Secondly, the Member makes a presumption about whether the statement is the last on the North/South Ministerial Council that I will give to the House in this term. If he would be so kind as to listen to me and stop trying to interrupt, I will draw his attention to the final comment that I made in my statement, which is that there will be a North/South meeting in spring 2011. Therefore, I do not think that he should presume to know the work of the Assembly or, indeed, the North/South Ministerial Council.

## 12.15 pm

On literacy and numeracy issues, the Member — indeed, the entire House — will be aware that I have made it an absolute priority to tackle underachievement and promote the raising of standards and equality in all our schools. We have huge challenges to face, and I have done everything that I can to ensure that we face



those challenges. We have removed selection and the 11-plus, about which I am very pleased, as there is no selection in the South of Ireland, which is one of the areas from which we can learn a lot.

I am also pleased that we are making some progress with literacy and numeracy, and standards are improving. In 2006, more than 12,000 young people left school without having achieved five or more good GCSEs including English and maths. In 2009, from when the most recent data are available, that number fell to around 9,500. I am pleased with the improvement, but the number is still far too high, and we have to do everything that we can to deal with that.

I am putting in place a range of policies aimed at raising standards for every child and tackling underachievement. The policies include the school improvement policy; Every School a Good School; transfer 2010; the revised curriculum and entitlement framework; the literacy and numeracy strategy; the early years strategy; support for newcomer pupils and Traveller education; the extended and full-service programmes; and the Achieving Belfast and Achieving Derry programmes.

If we were to listen to the party of the Member opposite, it would tell us that we have a world-class education system. It is caught on a little bit of a hook, because, on the one hand, it is saying that we have a world-class education system, yet, on the other hand, it is talking about the need to deal with literacy and numeracy. I believe that we have moved forward. I will publish the revised literacy and numeracy strategy in the coming weeks, and I look forward to Members' support for that important document. Members will be interested to learn that the South has also published a draft literacy and numeracy plan for consultation. We also have a North/South literacy conference on 23 February in the Cavan Crystal Hotel, and I hope that the Chairperson of the Committee for Education will join us at that event.

**Mr O'Dowd:** Whatever the future holds, I hope that whoever is the next Chairperson of the Education Committee behaves in a more respectful manner not only to the House but to the Minister and to his fellow Committee members. It is embarrassing at times when we have to listen to our Committee Chairperson behave in the way that he does.

In the light of her statement and the work of the North/South Ministerial Council on removing barriers and obstacles to mobility, will the Minister outline what work is being done to address access to transport and education services in both jurisdictions for children living along the border?

**The Minister of Education:** Go raibh maith agat, as an cheist sin. I thank the Member for his question, which is an important one. Members will be aware that we have people from all communities living on different sides of the border who are finding it difficult under our current arrangements to access transport and education, whether they be from the Protestant community, the Catholic community or, indeed, neither. I remain very keen to address the obstacles to mobility that affect the lives of pupils living in border areas, and I know that my Executive colleagues share that keenness. Removing obstacles to mobility is one of the issues that has been brought before the North/South Ministerial Council when it meets in full format.

It is my desire to remove legislation that restricts transport assistance across the border and requires Northern schools to give priority to Northern residents in school admissions. I am considering the legality of the issues to establish whether they are in breach of EU law. I will continue to explore how best we can support movement and remove obstacles to mobility. The Department of Education and the Department of Education and Skills have been working on a proposal to permit pupils to travel across the border where a school in the other jurisdiction is the nearest school to the parental home or where parents wish their child to be educated in that jurisdiction. The proposal requires an amendment to transport legislation, which currently permits transport assistance to be provided to grant-aided schools in the North. The policy of the Department of Education is to remove obstacles to mobility. DE and DES agree that all the issues that the joint research raised should be examined in the controlled environment of a pilot exercise. The residency issue has been raised with the Attorney General, and we await his advice on the legality of the existing legislation under EU law.

There are issues with Irish-medium transport that are related to matters in the North. Discussions continue with CnaG about revising the enhanced parental allowance for parents who live some distance from a public transport route.



**Mr D Bradley:** Go raibh míle maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht an ráitis a thug sí dúinn inniu. Ach tugaim faoi deara nach raibh aon tagairt ina ráiteas do mhalartuithe oideachasúla. Ba mhaith liom a fhiafraí den Aire an aontódh sí liom go ndearna an chomhchoiste um malartuithe oideachasúla Thuaidh/Theas an-chuid dea-oibre. An bhféadfadh an tAire a insint domh cad chuige nár ligeadh don chomhchoiste sin leanúint ar aghaidh agus a chuid moltaí a chur i bhfeidhm? Cad chuige ar scoir sí an comhchoiste?

Thank you very much, Mr Speaker. I noticed that there is no reference in the statement to North/South educational exchanges. Does the Minister agree that the North/South exchange consortium did excellent work? Why was that group not allowed to implement its findings, and why did she stand it down?

**The Minister of Education:** My Department continues to work with the Department of Education and Skills on the study of North/South co-operation in the education sector. Part 1 of the study has been completed and is with both Departments for consideration. The North/South exchange consortium worked with the Centre for Cross Border Studies from January to June 2010 on part 1 of the study. I appreciate both its work and the contribution that it made to that study.

I, along with my ministerial colleague in the South, decided to cease funding the NSEC from July 2010. It is for both Departments to commence part 2 of the study and to make recommendations on the way forward for North/South co-operation. The study may incorporate a two- to three-year action plan. I look forward to receiving a copy of the report.

**Mr Lunn:** I noticed the reference to the Middletown Centre for Autism. Can the Minister update us on the progress that has been made on the centre to date? In particular, can she tell us when it might come into full operation?

**The Minister of Education:** The joint communiqué of the North/South Ministerial Council plenary session at Limavady on 14 December 2009 outlined the lifting of the Southern Government's pause on giving additional capital funding for the Middletown Centre for Autism. The communiqué also announced the preparation of an updated and phased multiannual plan for the development of the centre.

The centre continues to operate two of its four planned services. Since opening, it has trained over 5,000 education professionals and parents. It is worth highlighting that the feedback on its delivery of second-tier training has been overwhelmingly positive. I take this opportunity to commend the centre's staff for their continuing efforts. The centre recently published a further research bulletin covering educational assessment.

I welcome the fact that both Departments have completed the mapping of the development of autism services. Officials from the Department of Education and the Department of Education and Skills have met to discuss the joint development of the phased multiannual plan for the further development of the centre. They also agreed a framework of meetings that will include engagement with stakeholders in the field of autism.

The continued success and development of the Middletown project can best be taken forward by the two Departments working closely to ensure that the centre reaches its full potential to deliver a first-class service directly to the children who need it. The Middletown centre already provides a training and advisory service for parents and a research and information service. It is planned that it will provide two further services: an educational assessment service and a learning support service.

**Miss McIlveen:** I note that the Department is planning to commission research on the non-attendance at school of looked-after children at post-primary level. Will the Minister inform the House about the extent of that problem and about discussions she had with the Health Minister on it?

**The Minister of Education:** Statistics show that, as of September 2009, 1,653 children and young people in the North of Ireland had been looked after continuously for 12 months. The statistics also tell us that a significant number of looked-after children in the North have poor school attendance and low educational achievement.

In the current financial year, my Department has provided £372,000 to the education and library boards' looked-after children teams for additional education welfare posts, tutoring support and a youth worker to support looked-after children. In addition, funding totalling £117,000 for work such as mentoring, coaching and literacy and numeracy support has been allocated.

As the Member said, my Department has commissioned research into improving the school attendance of looked-after children at post-primary level. The aim of that research, which is to be completed by the end of March, is to provide us with information that will inform policy and practice in improving the attendance of looked-after children. It is hoped that improved school attendance will lead to improved attainment. The link with health is obviously one of the issues that this research will focus on. The Minister of Health, Social Services and Public Safety and I will work together on all aspects of early years.

**Mr P Maskey:** Go raibh maith agat, a Cheann Comhairle agus a Aire. It is good to hear Mervyn Storey agreeing that some good work is being done on the North/South Ministerial Council, so fair play to him for his movement on that. Will the Minister give us further detail of the Irish-medium sector's collaborative work programme?

**The Minister of Education:** Go raibh maith agat. In 2010-11, a key focus has been on Irish-medium education. An Irish-medium subgroup has developed a comprehensive and collaborative programme of work, focusing on the early and continuing professional development of Irish-medium teachers throughout Ireland.

The programme incorporates a Gaelscoileanna conference, which incorporates school visits. The Gaelscoileanna Teo conference in Tullamore on 19 November 2010 was attended by 10 Irish-medium teachers from Gaelscoileanna in the North. A one-day conference was also organised for that cohort of 10 teachers on 18 November in Kildare Education Centre. Representatives from 10 participating schools in the South also attended the event.

On professional development services for teachers, there will be workshops at the conference of Comhairle na Gaelscolaíochta, which, as Members will be aware, is the equivalent organisation in the North. We have professional development workshops based on the identified needs of Irish-medium schools in the North, which will take place in March 2011.

We have a blended learning project on language and literacy development with a specific focus on oral language and writing development. That project involves 12 Irish-medium schools — six from the North and six from the South — and commenced in October 2010. It incorporates the development of interactive online course discussion and a support forum. The representatives from

the 12 participating schools are leading the project in their own schools.

The project also has an Irish-medium community of practice. It will provide an opportunity for Irish-medium schools throughout the island, particularly those in proximity to border communities, to meet after school to discuss and analyse needs and to develop action plans to satisfy those needs.

Delivery of that programme of work is well under way. A presentation outlining the various elements of the programme and an update on progress was provided at the meeting in Armagh on 21 January.

**Mr McCallister:** Further to Mr Lunn's question about the autism centre at Middletown, does the Minister continue to think that the project is value for money? Does she continue to think that providing two out of the four services this far into the regime up there is value for money? Does she not agree with me that the centre is competing with some of the community and voluntary services that are offered in Northern Ireland and is damaging some of them? Does she also agree that there is no buy-in from parents and service users? Why is she persisting with something that does not have the support of those whom it is meant to help?

**The Minister of Education:** It was easy to anticipate the Member's question; I had the relevant page in my notes open before he asked it. It is disappointing to hear a member of the Ulster Unionist Party — *[Interruption.]*

**Mr Speaker:** Order. Allow the Minister to continue.

**The Minister of Education:** It is disappointing to hear a member of the Ulster Unionist Party attacking a project that is doing work for some of our most vulnerable young people. Members of this House — *[Interruption.]*

I did not interrupt the Chairperson of the Committee for Education or Mr McCallister, and I do not know why they persist in trying to interrupt me when I am speaking.

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

## 12.30 pm

There is a contradictory approach. On the one hand, the parties opposite claim to support children with autism, while on the other hand, they spend

their time attacking a project that is doing everything that it can to support children with autism.

**Mrs M Bradley:** What further action has the Minister taken to ensure that students from Northern Ireland are not disadvantaged due to the introduction of A\* grades at A level?

**The Minister of Education:** That is an important issue, and I am pleased that the Member raised it. The Member will be aware that following earlier correspondence with the Minister for Education and Skills, I reiterated my concern that the admission arrangements adopted by universities in the South of Ireland in response to the introduction of the A\* grade at A level are disadvantaging those students from the North who apply to southern universities. That is simply not good enough. For many years, the attitude towards A levels by southern universities ensured that strong relationships were forged between young people from the North and the South, and building those relationships is more important than ever if we are to drive forward an all-island economy. I understand that admission arrangements are a complex and sensitive issue, but those issues need to be resolved.

I have sought support from the Minister in the South, with the aim of achieving a mutually beneficial solution that delivers equality for all students across this island. With my agreement, officials from CCEA met the Irish Universities Association at the end of last month. Further work on the matter is being carried out and a follow-up meeting is being planned.

**Mr Storey:** On a point of order, Mr Deputy Speaker. During her statement, the Minister of Education told the House that the work of the taskforce on Traveller education is nearing completion and that its final report would be completed by the "end of March". That is different to the report of the North/South Ministerial Council in education sectoral format, which says that the final report of the taskforce will be ready "early next year". Will the Speaker find out from the Minister what the accurate position is? Perhaps that was yet another slip from the Minister.

**Mr Deputy Speaker:** The Hansard report will be studied.

## **North/South Ministerial Council: Special EU Programmes**

**Mr Deputy Speaker:** I have received notice from the Minister of Finance and Personnel that he wishes to make a statement on the meeting of the North/South Ministerial Council in special EU programmes sectoral format.

**The Minister of Finance and Personnel (Mr S Wilson):** The North/South Ministerial Council met in special EU programmes sectoral format in Belfast on 13 January 2011. It was the first NSMC meeting in that format since February 2010. I chaired the meeting and represented Northern Ireland, and I was accompanied by the Minister for Social Development, Alex Attwood. The Government of the Republic of Ireland were represented by the Minister for Finance, Brian Lenihan. It was a particularly difficult day for him, as it was the day on which the news that eventually led to the election being called in the Republic of Ireland broke. That disrupted matters a little.

Mr Pat Colgan, chief executive of the Special EU Programmes Body (SEUPB), updated the Council on how the work of the SEUPB had progressed since February 2010. Mr Colgan advised that the closure of the Peace II and INTERREG IIIa programmes from the previous round of EU funding is in its final stages, and that the SEUPB submitted its final closure report to the European Commission by the agreed deadline of 30 September 2010. Mr Colgan went on to advise the Council on the current Peace III and INTERREG IVa programmes. The assessment and approval of project applications has continued under both programmes, and, between them, they have approved 175 projects, worth around £325 million. As regards actual project expenditure, Peace III spent £250 million and INTERREG IVa spent around £35 million by the end of 2010. Expenditure on both programmes is, therefore, significantly above their respective cumulative EU spending targets for 2010. That means that the budget for either project will not be deducted by Brussels.

The Council also noted progress on a number of other issues relating to the two programmes. Mr Colgan advised that five local authority-based groups involved in the INTERREG programme have had 18 projects approved to date, worth approximately £17 million. Some of the group projects are still under assessment and could add £10 million to that total. The Council

is aware of the concerns that groups have raised regarding their role under the INTERREG IVa programme. However, Ministers were encouraged by the progress that was made during 2010 and noted SEUPB's confidence that the five would secure the full amount of the programme budget set aside at the planning stage for locally based cross-border actions worth around £55 million.

The Council also noted that the Peace III programme continued to address the needs of the victims and survivors of the Troubles. The Peace III theme of acknowledging and dealing with the past has a particular focus on the needs of that key sector and has a total budget of approximately £45 million. Around half of that has been allocated, with more than 50 projects approved. The theme reopened for further applications in November, and those will be assessed from March onwards.

The Council agreed that it was essential for both main communities in Northern Ireland to participate fully in the Peace III programme. Mr Colgan advised on the work that SEUPB has been doing by way of outreach to under-represented groups and communities, encouraging them to apply for Peace funding. In addition, he reported that the SEUPB had commissioned the Northern Ireland Statistics and Research Agency (NISRA) to produce an estimate of the community uptake of Peace III funding. The findings of that research will be available shortly.

The Council noted that SEUPB continues to facilitate North/South participation in the transnational and interregional strands of INTERREG. That funding is allocated competitively, project by project, on the basis of quality. To date, 42 projects with Northern Ireland partners have been funded. That compares favourably with the previous programme period when there were just 17 projects with local partners.

The Council agreed to meet again in this sectoral format in early summer.

**The Chairperson of the Committee for Finance and Personnel (Mr McKay):** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. At its meeting in December last year, the Committee was told that out of 61 applications to the INTERREG IVa programme, only 18 had been approved, which is a success rate of just under one

third, although eight projects were still under assessment at that stage. Will the Minister advise the Assembly on what grounds the remaining 35 projects were rejected or withdrawn and what work is being done to improve the approval rate?

**The Minister of Finance and Personnel:** The Chairman raised an important point, and it is one that has concerned me. I had a number of meetings with the local authority-based groups that were concerned that the £55 million that had been allocated might not be spent because the rejection rate among projects was so high. There are a number of reasons for that. First, in the past, rather than seeing the projects through, local authority groups were project facilitators. There has been a step change in the involvement that they have had to have, and that created a difficulty. Secondly, in the past, many of the projects dealt with small amounts of money. Now, of course, there are much larger projects and perhaps the complexities around what is required for the assessment was something that the groups had to get their head around. Thirdly, there are cross-border projects and there has to be a strong cross-border element, which has not always been possible with some of the local authority groups, especially those that do not have an interface along the border.

I am sure that we have done all that we can to facilitate the groups. We have made available to them their administrative funding right up to 2013. That is a vote of confidence, in that we believe that they can keep on working through the programme period and have the ability, because they have the administrative funds available, to bring forward projects. We have also sought in the assessments of the projects to show where difficulties lie. We have tried to help the local authority groups with that.

There are now some very good quality projects coming through. There is one in my constituency with which I am particularly pleased. Some £5.5 million or €5.5 million — I cannot remember which — was made available for the Gobbins path project. That will be a massive tourist facility, and one that will be as important as the Giant's Causeway in promoting tourism along the north coast. The Chairman may take issue with me on that. Nevertheless, each will complement the other and should benefit both our areas by attracting tourists.



Those are the reasons, and that is the work being done. I now monitor the matter, because Members have raised with me the issue of the time being taken. The situation is being monitored monthly to try to ensure that pressure is kept on that particular aspect of INTERREG IVa and to ensure that the money is spent.

**Mr Frew:** The Minister said that the Council noted that Peace III programme was continuing to address the needs of the victims and survivors of the Troubles. Is he confident that that funding will be shared throughout the community in a fair way to ensure that the victims and survivors in most need can avail themselves of it? We know from other funding programmes that there are people who have not been able to avail themselves of the money. Is the Minister confident that this money will reach the most needy?

**The Minister of Finance and Personnel:** That issue has been raised since I became Minister, and I think that it was raised before then as well. Indeed, the issue of community balance in those funds has been raised at all the meetings that I have had. I must say that, to his credit, the Minister for Finance in the Republic has been as enthusiastic as I have been in ensuring and demanding that programmes are seen to distribute money right across the board. As a result, SEUPB has put considerable effort into contacting under-represented groups and helping with applications. I can already see the impact that that has had in my constituency. We will not know the final picture until we see the NISRA report early in the spring. The report will, of course, be shared with the Committee and the Assembly.

All the evidence to date makes me hopeful. I hear from under-represented groups, whether in rural areas or among the unionist community, that SEUPB has at least made the effort to try to ensure that there is a much more equitable distribution of peace money, even though there is no requirement in the terms of Peace III to have an even balance. Nevertheless, it is recognised that there is no point in having money for this purpose if one community feels that it does not have the same opportunity to access it as another.

**Mr McNarry:** I thank the Minister for his statement. He will recall that, last December, the Committee was given a table that showed that some local authorities were doing better

than others. The Irish central border area network (ICBAN) had three times the project approval rate of the councils of the metropolitan area (COMET). Can the Minister explain that discrepancy and outline the support that can still be made available to groups for applications?

**The Minister of Finance and Personnel:** I thank the Member for his question. He is quite right, and I understand the interest that he has, because COMET covers his North Down constituency — sorry, his Strangford constituency.

**Mr McNarry:** Just repeat that.

**The Minister of Finance and Personnel:** I meant to say Strangford constituency — I just want to get that on the record. COMET has not been as successful.

The Member is quite right. There is a discrepancy between the moneys received by the likes of ICBAN and the east border region committee, which received £4 million and £3.7 million respectively, and the moneys received by COMET.

## 12.45 pm

I do not know whether the situation is improving. All that I can say is that no COMET projects are under assessment. There was one submission, but it provided too little information to proceed and was withdrawn. There is an issue with COMET, which I understand, because COMET does not have an interface with the border with the Republic. Projects must have a cross-border element to enable them to access funding. Perhaps that has been more difficult for COMET than for ICBAN or for projects in the north-east region.

All we can do is continue to work with them. We cannot make it easier for one area to get projects ahead of any others. There are certain criteria to be met, and I am sure that the Member appreciates that. I will be more than happy to meet representatives of COMET if they feel that certain issues need to be addressed or assistance is available that would help them to have more projects accepted. In my answer to Mr Frew, I said that I did not want discrepancies between communities; neither do I want there to be discrepancies between areas in Northern Ireland.

**Mr O'Loan:** I apologise for being a minute or two late at the start of the Minister's statement. Overall, we can be reassured by the quality of

the management of the special EU programmes. The theme of the Peace III programme is acknowledging and dealing with the past. Since we are drawing down a substantial sum of EU money under that heading, does the Minister agree that that puts a further onus on us to ensure that our policies on and resources for acknowledging and dealing with the past are fully consonant with that objective? Furthermore, does he agree that there is, perhaps, a lack in what we are doing in that regard?

**The Minister of Finance and Personnel:** I am not quite sure what the Member is getting at or whether he means that spending by Departments generally in Northern Ireland is not reflecting that objective. Perhaps there is another aspect to his question. We have a budget of £45 million for that theme; we have allocated approximately half that money and will continue to allocate it. If the Member feels that there is more that Departments can do, other Ministers need to address that matter.

**Mr Girvan:** I thank the Minister for his statement. Part of the question that I wanted to ask has been answered. I wanted to know whether the Minister had discussions about under-represented groups and whether those groups had been identified. What communities are being under-represented when it comes to funding? What measures are being taken by SEUPB to address the lack of successful applications from certain areas? David McNarry said that COMET projects did not have the same success as those in other areas. It is my belief that projects in the unionist community are not submitting proper applications.

**The Minister of Finance and Personnel:** As I said, the evidence from the Peace I and Peace II programmes is that the unionist or Protestant community was under-represented. That was put down to the fact that there appeared to be fewer applications from the Protestant community. Some rural communities also felt left out.

What work has been done? We want to ascertain the nature and scale of the issue and to try to ensure that the measures that have been put in place are working. That is why the Northern Ireland Statistics and Research Agency is undertaking the assessment of the applications that have been processed to date and the distribution of those. As far as working with communities is concerned, there has been outreach activity. We have also

publicised the programmes to all communities and have done significant work with specific groups. The Orange Order, for example, has appreciated the work that SEUPB has done with it to access funding for some of its projects and programmes.

I want to emphasise that Sinn Féin was represented at one of the meetings that I had with the Foreign Minister and the SDLP was represented at another. At those meetings, there has been no dissent from the view that we have to ensure that the funds are evenly distributed right across the board.

**Mr Callaghan:** Go raibh maith agat, a LeasCheann Comhairle. Can the Minister provide the House with an update on investigations into alleged irregularities in the use of moneys by Families Acting for Innocent Relatives (FAIR) and South/North Armagh Victims Encouraging Recognition (SAVER/NAVER)?

**The Minister of Finance and Personnel:** Irregularities in procurement were identified and investigated by SEUPB. Investigations are being conducted, and some of those have been passed onto the PSNI. I am sure that the Member will appreciate that, as there is a police investigation, it would probably not be appropriate for me to comment any further other than to say that, when the allegations were made, they were investigated. When the investigation turned up an apparent irregularity, SEUPB referred it to the PSNI, which is where the investigation lies at present.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. My question follows on from that of Mr Callaghan and relates to the need for proper governance of public moneys. It is about getting the balance right. A Peace III project in my area, which is worth several million pounds, has been through assessment, through independent assessment, sent to the Department, assessed by the Department and has now been sent back to the SEUPB for further assessment. We certainly need governance of our money; I am not arguing that we do not. However, is there a danger that we are putting together a system that ensures that money does not get to the front line where it is needed?

**The Minister of Finance and Personnel:** I am sure that the Member appreciates the importance of ensuring that public money is well spent. However, there is another reason for the level of assessment and investigation into how

EU money is spent. On occasions, I have been criticised in the House for announcing that, as a result of EU assessments into funding that it has provided, we have had to pay money back at the end of programmes. That is sometimes due to the least, little infringement, such as a document not being in the right place or not being available. We can lose millions of pounds to the EU, because it has that clawback mechanism.

Sometimes the assessment is overly rigorous. When I ask why we have incurred a particular fine or penalty and I am given the reasons, I ask myself: can the EU really expect that we have that degree of rigour? Sometimes it is as little as the absence of a signature from a document. Given that level of scrutiny, it is important that we do not leave ourselves open to being hit with millions of pounds being clawed back from the public purse after a programme is over. That is why many of the projects are open to that assessment and, afterwards, to that scrutiny. Without that, we could jeopardise Northern Ireland's public purse in the longer term.

## **Regional Oral Medicine Service**

**Mr Deputy Speaker:** I have received notice from the Minister of Health, Social Services and Public Safety that he wishes to make a statement.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I welcome this opportunity to provide an update on an issue that has emerged about the regional oral medicine service. In November 2009, the Belfast Health and Social Care Trust became aware that six people who had been referred for surgery following a diagnosis of oral cancer could potentially have been referred at an earlier stage of their illness.

I should explain that patients will attend oral medicine clinics if they suffer from any of the following symptoms: persistent mouth ulcers; unusual changes to gum, roof of mouth, and so on; white patches, or lesions or abnormalities in the mouth; teeth grinding; facial pain; or complications of radiotherapy to head and neck. A small number of people attending the service may have cancer. There are about 160 cases of oral cancer in Northern Ireland each year. The course of disease in oral cancer cannot be predicted, and suspicious abnormalities or ulcers in the mouth may be totally innocent or harmless whereas others may progress to cancer. At the time when the Belfast Trust became aware of the issue, all six patients were being appropriately managed and receiving the treatment that they required.

In December 2009, the Belfast Trust took action to review and carry out a look-back exercise into the issue. That was an extremely time-consuming and complex process that involved looking at some 3,000 clinical charts, lab reports and radiological investigations of every patient who had attended the service during 2009. It was the judgement of clinical experts undertaking the review that the vast majority of the 3,000 patients considered had been appropriately managed and treated. However, during the time that that intensive work was being completed, it became clear that there were problems with the management of a number of patients. That raised major concerns that the clinical experts determined needed to be addressed as a matter of urgency.

The issue that emerged was that 18 people were identified where concerns existed about the quality of care. All 18 of those people were



being actively managed by specialists in the Health Service at the time that the concerns were identified. Following further investigations, it is now known that there is a total of 22 people for whom there are serious concerns, that 15 cancer patients have been identified and that four cancer patients have since died, three of whom died from oral cancer and one from other causes. I would like to take this opportunity to express my deepest sympathies to the families of those patients on the loss of their loved ones.

As I already said, we now know that 15 patients who were diagnosed with oral cancer may have had some delay in their diagnosis. As regards the six people identified initially, I have been informed that they have all had the opportunity to discuss their condition with their clinician and are aware of the potential delays in treatment. At this stage, I understand that not every patient will have been told that there was a potential delay in their diagnosis. That is partly to do with the fact that some are complex cases, and many of the patients had a range of other conditions that were being treated. I want to assure patients and the House that the Belfast Trust will inform individuals of any potential delays.

I also want to take this opportunity to apologise to all patients who may have had delays in their diagnosis. The public must have confidence that their treatment will be responsive, rapid and of the highest quality. For the vast majority of people, their experiences will reflect high-quality care. However, when that care falls short, every possible step must be taken to ensure that patients are informed and that any failings are addressed quickly to avoid any unnecessary pain and distress. With this situation, it is important to remember that all the patients about whom there were major concerns were already being managed by other experts at the time that the concerns were identified. The trust has advised me that it is not the case that those patients were waiting to be called back as part of that review; rather, they were being actively treated by other specialists.

### **1.00pm**

The term “oral cancers” covers a number of cancers. Patients with cancer have a range of very different types of tumour, all with different clinical features, some of which will progress at different rates.

Clinicians have also advised me that the review has focused on patients seen in 2009. On the advice of senior clinicians, it was not considered necessary for people who attended the oral medicine clinic prior to 2009 to have their clinical notes reviewed. The trust has been advised by experts in Northern Ireland and Great Britain that they would expect any patients seen prior to 2009 and who developed oral cancer would have already presented with symptoms. People who attended the oral medicine clinic in 2007 or 2008 should not have cause for concern. However, if they have any questions, they can contact the helpline or speak to their dentist or GP.

Following an announcement made by the Belfast Trust on Friday, there were intermediate concerns about a number of individuals, as most Members are aware. As a result, 117 people are being invited to attend a review clinic. Letters have been issued, and all patients affected should have received them at this stage. Although most of those 117 individuals will not have conditions that require action, it is important that they are seen. Also, many of those 117 people will be under the care of their own dentist, who is trained and skilled at identifying the signs of oral cancer.

I want to apologise to all patients who have suffered any anxiety or concern as a result of this recall. The steps being taken are a precautionary measure, but they are necessary because of our commitment to patient safety and the need to provide those patients with the necessary assurances around their health.

The Belfast Trust has set up a number of clinics starting from today, with two sessions on most days; morning and afternoon. Those clinics are for the 117 patients who have been recalled. As of yesterday, around 50 appointments have been made for clinics over the coming days. Further clinics will follow in the days and weeks ahead. I am hopeful that the vast majority of patients who need to be reviewed will be seen during this week. The Belfast Trust also set up a helpline on Friday, which can be reached on freephone number 0800 9801100. As of yesterday, that helpline had received around 60 calls.

In relation to the dentist at the centre of the matter, the Belfast Trust took the decision to supervise the individual's work in December 2009. The trust considered that that was a

proportionate way to ensure patient safety while the investigation was ongoing. Restrictions were placed on the practice of the dentist concerned in January 2010, and as part of that process, the individual was referred to the National Clinic Assessment Service (NCAS). That is a national service that advises trusts on the handling of concerns about the practice of doctors, dentists and pharmacists. During December 2009 and early January 2010, the trust also referred the individual to the General Medical Council and the General Dental Council.

General dental practitioners across Northern Ireland were advised of concerns regarding this individual's work in December 2010. The dentist was removed from clinical practice by the Belfast Trust. My first priority is to ensure that all patients who have been recalled are dealt with appropriately and quickly. Once that process has been completed, I will expect an urgent update on the outcome of these clinics.

I understand that this issue will cause considerable public anxiety, not least for those directly affected. I share the shock and concern that the public will rightly feel about this matter. I am very unhappy about the distress caused to patients and the handling of this matter.

I was first made aware that concerns had been expressed about the timeliness of referral for the treatment of six cases in December 2009. I was assured at that time that all six patients were being appropriately managed and were receiving the treatment they required. However, I am deeply concerned that I only received further detail on 31 January 2011, and a full briefing, at my request, was provided to me on 1 February. When I was made aware, I immediately decided that I must make a statement to the House. Unfortunately, the issue was leaked to the media last Friday, which left the trust with no option but to release a statement. That meant that the trust was not in a position to ensure that all patients received their letters inviting them to clinics before the matter was made public.

I regret to say that, in this case, there was a breakdown of communication in the health and social care service and in my Department. Therefore, I will initiate an urgent independent inquiry into these matters. I expect that the inquiry will be rigorous and independent. It will examine the quality of care to patients, the circumstances surrounding the issue and its subsequent handling. I will advise Members

of further details of the inquiry as soon as possible.

The communication of information on such an important matter will be a key focus in my upcoming review of the issue. It will include an investigation of all actions taken by my Department, the trust and the board. Once the review is concluded, I will decide what further actions need to be taken to ensure that lessons are learned and that measures are put in place to avoid any similar incident in future.

In conclusion, I apologise once again to everyone who has been affected by this matter. I have been deeply disturbed by the issues that have emerged. As a health and social care service, we care for many thousands of people every day. However, I have a duty to ensure that problems are addressed quickly. I assure the House and the public that, where this issue is concerned, I will take every action necessary to ensure that that happens.

**The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):**

I welcome the tone of the Minister's statement. I also welcome his announcement of the inquiry. However, I remind him of a meeting of the Health Committee that occurred on 27 January 2011. At that meeting were the permanent secretary of the Department and the chief executive of the Belfast Health and Social Care Trust. At the end of the meeting, when we looked at the issue of the X-rays at Altnagelvin and the children's hospital, I asked whether there were any other issues out there that the Committee needed to know about but that it had not been told about. Clearly, somebody in that meeting knew about this issue, because it has been ongoing for 13 months, but the Committee was not told about it. Will the Minister give us a categorical assurance that there are indeed no other issues out there that the Assembly or Committee need to know about that have not been revealed?

Secondly, there are a lot of worried families — at least 117 — in Northern Ireland who are having their diagnoses today and tomorrow. Can the Minister give the Assembly a categorical assurance that the results of those tests will be given to the patients as quickly as possible so that further delay and alarm can be avoided?

**The Minister of Health, Social Services and Public Safety:**

I stress that the cases of the 117 patients who have been called back will be

reviewed. In the review that was carried out, they did not appear to have serious conditions, but, in the interests of best practice, they have been called back. I assure the Member that those results will be given as quickly as possible. I am advised that some results can be provided on the same day that the patient attends the clinic. If others need a further test, the results may take up to week. I sought and got an assurance that, given the anxiety that has gone with the contact that they have had with the Belfast Trust, that will be done as quickly as is humanly possible.

As far as the meeting on 27 January 2011 with the permanent secretary and the chief executive is concerned, the permanent secretary advised me that he was not aware of further reviews. I am not clear on the chief executive's position, but I will certainly make it my business to find out whether he was aware of such reviews at that time. I believe that he would have been. The Member asked whether there were any other issues. I will undertake to furnish him with details. If I were to say to the Member that there was nothing more, but something then emerged, he would quite rightly question my integrity. So I have asked exactly that question, and I will furnish him with that information this week.

**Mr Deputy Speaker:** Before calling the next Member to speak, I ask Members to please check their mobile phones. There is a lot of interference on the system, which makes life difficult, if not impossible, for Hansard staff.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. In recent weeks, we have had a number of debacles, especially around the A&E unit in Antrim Area Hospital, swine flu, the situation at the Royal Belfast Hospital for Sick Children and the X-ray issue at Altnagelvin Area Hospital, all of which have had a negative impact on the Health Service. What is the Minister with responsibility for the Health Service doing to restore public confidence, given that people perceive there to be shortcomings in the service? What is he doing to restore the confidence of Health Service staff, who look to him for management, because it is not good enough that the Minister and the permanent secretary do not know about a major review ongoing in one of their trusts?

Furthermore, what is the current status of the consultant at the centre of the investigation? Is he practising? Is he still being paid? Is he being

paid bonuses? Will the Minister give us more details on those matters?

**The Minister of Health, Social Services and Public Safety:** I could go through each of the issues that Mrs O'Neill talked about: Antrim Hospital A&E; the children's hospital; and so on. Indeed, I have given assurances about the safety of all those services and about how hard staff are working to ensure that they are maintained properly. As far as swine flu is concerned, there was a great deal of alarm and fear about an issue that, as far as any expert could see, was very much well in hand. Furthermore, we did not run out of vaccines; a different virus was not circulating; large numbers of healthy people were not dying; and information was not being kept from the public.

I accept and agree with the Member that the situation at Altnagelvin Hospital is unacceptable. As far as the Belfast Trust issue is concerned, when she says that it is not good enough for the permanent secretary to tell me that he did not know about it and that it is not good enough that I was not told about the nature of the problem until a week ago, I have to agree. It is not good enough, and I will not accept that from my Department, the trusts, the boards or anyone else. I am taking the steps that the Member would expect me to take to ensure that the matter is dealt with properly. As far as the consultant is concerned, he is an employee of the trust and, as far as I understand, he is no longer practising in the trust. I am not au fait with the details of his contract, but let me assure the Member that I have asked specifically whether the trust will continue to employ a consultant who, following an extensive review, is still being provided with a salary, even though he is not working. That is a matter of public interest, as it is to Members and me. I am discussing the matter directly with the trust and dealing with it.

**Mr Gallagher:** I note the Minister's statement, and I thank him for it. The latest incident is much more serious than last week's story about X-rays, because it is clear that people knew that conditions had been diagnosed in patients, yet a delay occurred. The Minister said that he learned about the full scale of the problem only recently. Is it the case that the Belfast Health and Social Care Trust knew but did not tell his Department the full story or did the trust tell his Department the full story but he did not know about it, thus failing patients and frightening the

public much more than last week's story did? Will the Minister address and clarify that issue?

**The Minister of Health, Social Services and Public Safety:** That is why I am putting in place an independent inquiry. The Member's questions are legitimate. The public and I are asking them as well, and we are entitled to answers. As far as the process is concerned, it has been suggested that some patients' referrals took longer than they should have done. The first query concerned six patients to whom I referred a year ago. When consultants examined that year's records, they unearthed a further 18 cases.

That is the situation, and we are following those up. Every one of them, when looked at, was, I understand, getting appropriate treatment. However, a slow referral is not acceptable. I rely on expert opinion to tell me when those referrals should have been made. That is why I will have a proper, independent investigation — an independent inquiry into this issue — to properly and definitively answer the questions that the Member asked, the public are asking and I am asking.

**1.15 pm**

**Mr McCarthy:** This is the most horrendous statement that I have heard or witnessed since I joined the Assembly in 1998. People's lives have been put in danger. It is horrendous, to say the least, and I fully support the Chairperson of the Health Committee. I witnessed the inquisition when he asked the Minister whether there was any other important information that he and the Committee were entitled to know. Yet, here we are again today and last week, with information that came to light only because of very observant reporting, without which we may never have heard of this. It is scandalous, it is shameful and I cannot understand how it happened.

**Mr Deputy Speaker:** May we have the question, please?

**Mr McCarthy:** My question is: how much is this costing the taxpayer? The Deputy Chairperson mentioned it; the Minister did not respond. The public are entitled to know how much this will cost the taxpayer. The individual involved has been removed. We want to know how much that will cost. How long will the inquiry, which the Minister is about to set up, take? In the meantime, what will happen to patients who were to use that service? Will someone be

employed to do the work of the person who has been removed?

**Mr Deputy Speaker:** Sorry, you have asked at least two questions. I now ask the Minister to answer.

**Mr McCarthy:** I hope that I get an answer, Mr Deputy Speaker.

**The Minister of Health, Social Services and Public Safety:** Thank you, Mr Deputy Speaker. Without being flippant, I will try to give the Member more than one answer, because he asked more than one question.

I cannot estimate the cost at the moment. However, I see the cost not in financial but in human terms, and that is what I am focusing on. The anxiety, stress and the possibility of harm that patients have endured or may have come to is my focus. Since it interests him, I will certainly get Mr McCarthy a pounds-and-pence answer, in due course. However, as I said, this is about making sure that patients are put first and that they are dealt with and so on.

I assure you that the inquiry will take no longer than absolutely necessary. I am looking at a very short, sharp inquiry. The Member said that he cannot understand how this was allowed to happen and so on. The reality is that, as I understand it, this is an area where there are not a number of specialists. In fact, I understand that there is one specialist in the area that we are talking about. I understand, or now know, that Queen's University has undertaken a review of the Belfast dental hospital because it is also a teaching hospital. The number of staff employed there does not begin to meet the need. Then again, as I keep explaining to the House, throughout the Health Service there is stretch. Part of the answer to Altnagelvin, or at least something that created anxiety there, was that, disgracefully, we had seven radiologists when we needed 13. That was part of the problem there, and the backlog built up. In the Belfast dental hospital, our complement is 20 consultants. We currently have 10, as I understand it. Those are the sorts of issues that I also have to grapple with. However, when I am able to, I will report back on those other issues immediately.

**Mr Easton:** Minister, what we have heard today is just totally unacceptable. I demand from you, and the House demands from you that you get on top of your Department and get this issue



solved, because it is totally ridiculous that people who have cancer have to be called back, and there have possibly been deaths from this.

Only as recently as last Thursday, Mr Compton, the chief executive of the Health and Social Care Board, told the Committee that no more issues would come out that would be a source of upset to patients. Will the Minister tell the House whether Mr Compton knew about the issue last Thursday? If so, he misled the Health Committee.

The Minister knew about the six patients in 2009. At that stage, given that it was a serious issue, does he not think that he should have come to the House? Furthermore, he obviously did not know about other elements until 2011. Does the Minister agree that it is totally unacceptable that members of his Department or the trust failed to keep him informed? What will he do about those members of staff?

In conclusion, I have a final question. Is the consultant who was involved still working in any capacity —

**Mr Deputy Speaker:** Order, please. The Member will know that I reminded Mr McCarthy that Members should really ask one question. You have now asked three.

**Mr Easton:** Thank you, Mr Deputy Speaker. I will finish my question, and that will do. Will the Minister inform us if that consultant is working in any capacity and whether he received a consultant bonus for working during those two years?

**The Minister of Health, Social Services and Public Safety:** I make that about six questions, and I will try to go through them as best I can. I am not sure what John Compton knew and did not know, but the Member will have an opportunity to ask him that question at the Committee meeting this Thursday. I agree completely that it is totally unacceptable that I was not informed and, therefore, was not able to keep the House informed on such an important issue. I assure the Member that I will deal with that. That will happen partly through the inquiry, but the inquiry will not simply be about the trust. It will also look at the board, the Department and issues around that.

On 21 December 2009, I was told that six patients appeared to have been subjected to delayed referral. All six patients are now

receiving the necessary care, and the Belfast Trust is investigating the matter. The information was given to me as a routine take-note submission, and, therefore, I believed at that point that the trust would come back to me when it had the results of its investigation. Therefore, even on this day last week, I was not aware of the scale of the problem. If I am not aware of it, the House is not aware of it. In all cases, I am accountable to the House, which represents the people whom we all represent. They are our employers and pay for the Health Service. Therefore, I take it, as Members will take it, very seriously indeed that I was not informed.

As I say, we will take the matter further with investigations. It is a serious issue, and patients have paid the price through the anxiety of having to be called back when they believed that they had cleared a hurdle. They do not appear to have serious conditions, but, in the interests of best practice, we are recalling them. The other issue is speed of referral, which is a clinical judgement. However, I assure the House that all those individuals, when they were contacted, were receiving the appropriate treatment at the time that they were identified

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. I have two specific questions and a comment for the Minister. It is interesting that his colleagues are not asking questions on the issue.

In fairness, I appreciate the fact that the Minister has made a statement on the Floor of the House because it is useful to get the information into the public domain as quickly as possible. There is a lack of information, and a lot of patients are being recalled. Will the Minister tell the House whether that will have an impact on other appointments in other departments or on other X-rays in the Royal? I e-mailed the trust this morning about the fact that appointments for some patients who are being seen for bowel cancer have been put back for 10 days or two weeks. I am just concerned that, if we are looking at recalling patients again, additional staff will be there so that it does not have a negative knock-on effect.

The Minister might not be aware of this, but information came to my attention just 20 minutes ago that there possibly was another serious adverse incident at the Royal on Sunday. If the Minister has any information, I would

appreciate him sharing it with us; if not, can he give us the information when he receives it?

**The Minister of Health, Social Services and Public Safety:** I am not aware of an SAI at the Royal at the weekend. However, Members will appreciate that around five or six SAIs are reported every month. They are not as unusual as you might expect. However, I will ask the questions and I will communicate with the Member. As for the clinics, extra sessions have been arranged. They are very much focused on oral cancer and do not affect bowel cancer, which is a different discipline in a different area.

**Mr McCallister:** I apologise to the House for missing the start of the statement. I can reassure Ms Ramsey: of course members of this party are going to ask questions.

Does the Minister agree that both the tone of his statement and the setting up of the inquiry are vital components in restoring public confidence, which is the key factor that we have to address? In an earlier answer, he mentioned the report on dentistry late last year. Were there recommendations in that, and when will some of those be implemented?

**The Minister of Health, Social Services and Public Safety:** As I understand it, the report on dentistry was produced by Queen's; we are talking about a teaching hospital. There are issues about funding the teaching hospital; Queen's is historically required to fund 50% of the salaries, and I am not clear that that is happening. There is an issue for us to address about the funding of our clinicians in the dental hospital. As for the inquiry, the key thing is to ensure that we have public confidence by being open and transparent, with a full declaration about the situation. That always has to be the way as far as the Health Service is concerned, and it is the best way to maintain public confidence.

**Mr Callaghan:** I thank the Minister for his statement and I welcome its tenor. The community will be reassured if there is to be a robust and firm appraisal of what is going on in our Health Service. I want to establish a bit more clarity about some of the numbers involved. Maybe I am the only person who is a little bamboozled, but there was a lot in the statement. Can the Minister clarify whether the 22 patients about whom serious concerns were raised in the initial look-back review are separate to or included in the 117 people who

are being recalled as part of the intermediate concern batch? Where exactly did the four patients who have tragically died and the 15 people who have been diagnosed with cancer fall in that spectrum of numbers? I just want a sense of some of the quanta involved.

Given that this is a regional facility, can the Minister also provide a breakdown of the trusts that the various patients come from? Furthermore, given that, in December 2009, the Belfast Trust decided to supervise the work of this individual in order to ensure patient safety, and that he was referred to the GDC and the GMC —

**Mr Deputy Speaker:** Question, please.

**Mr Callaghan:** I am coming to the question, Mr Deputy Speaker.

**Mr Deputy Speaker:** Very quickly.

**Mr Callaghan:** When were dentists informed of those concerns, and why did it take a full year from the trust putting this person under supervision, and 11 months from referring him to the GMC and GDC, to remove him from clinical practice?

**The Minister of Health, Social Services and Public Safety:** Mr Callaghan asked a number of questions. The patients involved in the look-back review would have been assessed in various categories, so none of the 117 would have been involved as far as the 22 patients are concerned.

As I indicated, they do not appear to have serious conditions, but, in the interests of best practice, they will be recalled, and that process is under way.

### 1.30 pm

The 22 people with the serious conditions to whom the Member referred include the six initial patients and 18 others. Not all those patients had oral cancer. Four have died, three from oral cancer and one from other causes. I do not have the information on the home trusts. The Member rightly said that it is a regional hospital that treats patients as they come in. I am interested in knowing about that, and we will look to find that information.

**Mr Deputy Speaker:** Earlier, I asked Members to switch off their mobile phones. Since then, not only have some Members not switched them off but two Members have been using

them openly in the Chamber. Please respect the work of Hansard, which is very important to this Assembly, and put those machines off.

**Ms M Anderson:** Go raibh míle maith agat. I share the Minister's shock and concern, and I agree that there has been a breakdown in communication. However, I am further concerned that we are not getting the full information today, and I am concerned that patients are not getting the information that they are entitled to.

In the Minister's statement, he referred to 15 patients who were diagnosed as having oral cancer, and he went on to say that not every patient has been told that there was a potential delay and that some are complex cases. We know that the late processing of 18,500 X-rays in the north-west resulted in actual, not potential, delays for four patients. In the context of the breakdown in communication that the Minister talked about, is he aware that two of those four patients received information that there was a delay in their diagnosis only on Thursday 3 February? That was the very day that the board and the trust came in front of the Health Committee. Two of the four patients received that information only on that day. Could I ask —

**Mr Deputy Speaker:** Come to a question, please.

**Ms M Anderson:** Given that the board and the trust met the north-west MLAs and that John Compton was in front of the Committee, is the Minister concerned that his Department, the board and the trust are operating a need-to-know policy?

**The Minister of Health, Social Services and Public Safety:** I have said already that I look for openness and transparency. That is the only way that we can keep confidence among our patients and the general population. I am not aware of the example that the Member gave about the X-rays, and I would be shocked if that were the case. I will look at that, and I will determine why the situation arose. It is not acceptable. I referred to the situation at Altnagelvin and this one as being two examples in which the Health Service clearly has to do an awful lot better. The full independent inquiry will provide a number of answers to the questions and confirmation of the answers that I am giving.

I am advised that, through the look back, in the interests of best practice, all 117 of the patients have been or are being contacted. That will have begun at the weekend. All the other patients with more serious conditions, when identified, were already in the system and were being looked after by the appropriate clinicians. I repeat that I am dismayed about where I find myself on the flow of information, and I am determined to deal with this.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. The Minister informed us that he only found out about this important issue in December 2010. He then told us that he felt that he should have been told earlier. He informed us that his permanent secretary told him that he was not aware of it, and I assume that he feels that the permanent secretary should have been told earlier. He also informed us that he was not sure whether the chief executive of the trust knew about it. In the Minister's opinion, when should he have been told? When should the permanent secretary and the chief executive have been told? If those timelines were not made, who will be held responsible for not fulfilling their public duty?

**The Minister of Health, Social Services and Public Safety:** I should be told about serious incidents, but I cannot be told about everything in the Health Service because thousands of issues arise every day. However, that is why I have professionals around me. It is for officials to advise me of what is serious and what I need to know and should be told. I meet my permanent secretary once a week, and he tells me what is important as we move forward. I share my priorities with him. Therefore, you can see clearly how we lay out our priorities for action and our overarching strategies, but, in the end, it all boils down to looking after patients. That is what is important. Each patient is entitled to get the very best care that we can provide, and, where that is not happening, that is a serious issue that I need to know about.

The permanent secretary told me that he did not know about the issue until he informed me. That is an issue for the full, independent inquiry. I need short, sharp answers to those questions to ensure a proper flow of information to me as Minister and thus to the Committee and the Assembly.



**Dr McDonnell:** I thank the Minister for his statement and his openness. I was concerned when he said that there were 10 consultants when there should be 20. Of those 10, only one specialises in oral cancer, which raises concerns. Although we have to investigate what went on, what are we doing going forward? Will we make alternative arrangements? Will we retrain, reorganise and restructure to ensure that one of the existing consultants picks up the workload? To my mind, it is bad enough that there is a problem that we need to investigate, but we have to restore confidence and we have to take exceptional measures to ensure that it is restored quickly. Can you give me some reassurance on that?

**The Minister of Health, Social Services and Public Safety:** We look at the problem and then we determine what the actions are and how the issues require to be addressed. It is a matter for the trust to satisfy me and the board, which commissions the service, to ensure that we are delivering the care that we are required to deliver. However, I repeat: the complement should be around 20, but it is around half that number. Therefore, there is an obvious issue around resources. I am not going to get into resources today, but there are obvious issues around that.

As I understand it, the specialism that we are talking about is rare and not easy to replicate, not least in a country the size of Northern Ireland. That is uppermost in my mind and, therefore, will be on the minds of the board and the trust.

**Mr Deputy Speaker:** That concludes questions to the Minister of Health, Social Services and Public Safety on his statement.

**Mr Wells:** On a point of order, Mr Deputy Speaker. I will take your guidance as to whether you feel that it is appropriate to raise an issue now or slightly later on the next item of business, which is the Wildlife and Natural Environment Bill.

**Mr Deputy Speaker:** We are not at that stage, but you can raise whatever issue you have when we come to that item of business.

**Mr Wells:** OK. Thank you.

## Executive Committee Business

### **Employment (No.2) Bill: Further Consideration Stage**

**Mr Deputy Speaker:** The next item on the Order Paper is the Further Consideration Stage of the Employment (No.2) Bill. The Minister for Employment and Learning has notified me that he is unable to attend the House to move this Stage of the Bill. I call the Minister of Health, Social Services and Public Safety to move the Further Consideration Stage on his behalf.

*Moved. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

**Mr Deputy Speaker:** As no amendments have been tabled, there is no opportunity to discuss the Employment (No.2) Bill today. Members will, of course, be able to have a full debate at Final Stage. The Further Consideration Stage of the Bill is, therefore, concluded. The Bill stands referred to the Speaker.

### **Local Government Finance Bill: Further Consideration Stage**

**Mr Deputy Speaker:** The next item in the Order Paper is the Further Consideration Stage of the Local Government Finance Bill. I call the Minister of the Environment.

*Moved. — [The Minister of the Environment (Mr Poots).]*

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

## Wildlife and Natural Environment Bill: Further Consideration Stage

**Mr Deputy Speaker:** Mr Wells, you indicated that you wanted to raise a point of order with regard to the Further Consideration Stage of the Wildlife and Natural Environment Bill. You may do so now.

**Mr Wells:** Thank you, Mr Deputy Speaker. I am grateful for your advice as to when the matter should be raised. On 22 June 2010, the Assembly debated at length an amendment to the Wildlife and Natural Environment Bill tabled by the Member for East Antrim Mr Beggs. A lengthy debate on park hare coursing ensued. As a result of that debate, when all Members, including Mr Molloy, had an opportunity to raise points, the Assembly voted by a significant majority to make park hare coursing permanently illegal in Northern Ireland.

I am, therefore, somewhat surprised that Mr Molloy the Member for Mid Ulster has tabled an amendment that attempts to negate that decision and overturn the vote that was taken at Consideration Stage. I believe that that is a blatant attempt to negate the purpose of the Bill as it now stands. I question whether it was appropriate to accept that amendment and put it on the Marshalled List. I would like an explanation of why Mr Molloy's amendment is before the House. Does it mean that Members must rehearse all the arguments that they made in June 2010 on park hare coursing, which many find totally unacceptable?

**Mr Deputy Speaker:** Selection of amendments is a complex matter. The Speaker gives it very careful consideration. The Member will be aware that the inclusion of amendment No 10 on the Marshalled List indicates that the Speaker is content that it is in order.

I call the Minister of the Environment to move the Further Consideration Stage of the Wildlife and Natural Environment Bill.

*Moved.* — [The Minister of the Environment (Mr Poots).]

**Mr Deputy Speaker:** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list.

There are three groups of amendments, and we will debate the amendments in each group in

turn. The first debate will be on amendment Nos 1 to 7, which deal with wildlife and biodiversity. The second debate will be on amendment Nos 8 to 10 and amendment Nos 13 to 15, which deal with hare coursing. The third debate will be on amendment Nos 11 and 12, which deal with protection of the Irish hare.

Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. If that is clear, we shall proceed.

### Clause 1 (Duty to conserve biodiversity)

**Mr Deputy Speaker:** We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 7. The amendments deal with the biodiversity duty, the protection of birds, pesticides and areas of special scientific interest.

1.45 pm

**The Minister of the Environment (Mr Poots):** I beg to move amendment No 1: In page 1, line 4, leave out "further the conservation of" and insert

*"have regard to the purpose of conserving".*

*The following amendments stood on the Marshalled List:*

No 2: In page 1, leave out line 17. — [The Minister of the Environment (Mr Poots).]

No 3: In clause 7, page 4, line 13, at end insert

*"(1) In Article 4 of the Wildlife Order (protection of wild birds, their nests and eggs) for paragraph (4) substitute—*

*'(4) In paragraph (3) "the relevant provisions" means the provisions of—*

*(a) this Part and of orders made under it,*

*(b) the Wild Birds Protection Acts (Northern Ireland) 1931 to 1968 and of orders made under those Acts,*

*(c) any other legislation which implements either of the Wild Birds Directives and extends to any part of the United Kingdom, to any area designated in accordance with section 1(7) of the Continental Shelf Act 1964, or to any area to which British fishery limits extend in accordance with section 1 of the Fishery Limits Act 1976, and*

(d) the law of any member State (other than the United Kingdom) implementing either of the Wild Birds Directives.

(4A) For the purposes of paragraph (4) “the Wild Birds Directives” are—

(a) Council Directive 79/409/EEC on the conservation of wild birds; and

(b) Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds.’.” — [The Minister of the Environment (Mr Poots).]

No 4: After clause 14, insert the following new clause:

**“Possession of pesticides harmful to wildlife**

14A. After Article 15A of the Wildlife Order (inserted by section 14) insert—

‘Possession of pesticides harmful to wildlife

15B.—(1) A person who is in possession of a pesticide containing a prescribed ingredient shall be guilty of an offence.

(2) A prescribed ingredient is one which is prescribed for the purposes of this Article by an order made by the Department; but the Department may not make an order under this Article unless it is satisfied that it is necessary or expedient to do so in the interests of protecting wild birds or wild animals from harm.

(3) A person shall not be guilty of an offence under this Article if the person shows that the possession of the pesticide was for the purposes of doing anything in accordance with—

(a) regulations made under section 16(2) of the Food and Environment Protection Act 1985;

(b) provision made by or under the Poisons (Northern Ireland) Order 1976;

(c) the Biocidal Products Regulations (Northern Ireland) 2001 or any regulations amending or replacing those regulations; or

(d) the Plant Protection Products Regulations (Northern Ireland) 2005 or any regulations amending or replacing those regulations.

(4) In this Article “pesticide” means—

(a) a pesticide as defined by section 16(15) of the Food and Environment Protection Act 1985; and

(b) anything to which Part 3 of that Act applies, by virtue of section 16(16) of that Act, as if it were a pesticide.’.” — [The Minister of the Environment (Mr Poots).]

No 5: In clause 23, page 15, line 13, at end insert “(aa) Article 15B,”. — [The Minister of the Environment (Mr Poots).]

No 6: In clause 28, page 16, line 31, leave out from “34” to end of line 36 and insert

“43(1) of the Environment Order (agreements concerning land adjacent to an ASSI) for ‘adjacent to’ substitute ‘which is not within’.” — [The Minister of the Environment (Mr Poots).]

No 7: After clause 28, insert the following new clause:

“Public body: duties in relation to authorising operations

28A.—(1) Article 40 of the Environment Order (public bodies: duties in relation to authorising operations) is amended as follows.

(2) In paragraph (6) before sub-paragraph (a) insert—

‘(aa) shall, in granting permission, impose conditions sufficient to ensure that the requirements set out in paragraph (6A) are complied with;’.

(3) After paragraph (6) insert—

‘(6A) The requirements are—

(a) that the operations are carried out in such a way as to give rise to as little damage as is reasonably practicable in all the circumstances to the flora, fauna or geological, physiographical or other features by reason of which the ASSI is of special scientific interest; and

(b) that the site will be restored to its former condition, so far as is reasonably practicable, if any such damage does occur.’.” — [The Minister of the Environment (Mr Poots).]

**The Minister of the Environment:** I have tabled several amendments for debate. They relate to the biodiversity duty on public bodies, possession of illegally taken wild birds, possession of certain pesticides and areas of special scientific interest.

Amendment Nos 1 and 2 concern the biodiversity duty in the current draft of the Bill. I have been reconsidering the extent of the biodiversity duty, which was agreed by the Executive and the Assembly at Consideration Stage. The current wording is:

“It is the duty of every public body, in exercising any functions, to further the conservation of

*biodiversity so far as is consistent with the proper exercise of those functions."*

Having received advice from the Attorney General, I am concerned that the form of duty may create unnecessary impediments to development and associated economic activity. As a result, I am proposing an amendment that will provide an alternative wording for the biodiversity duty similar to that which exists in England and Wales, so that it will say:

*"It is the duty of every public body, in exercising any functions, to have regard to the purpose of conserving biodiversity so far as is consistent with the proper exercise of those functions."*

I believe that that change will provide greater flexibility and will be more relevant to Northern Ireland's needs. It strengthens our position on biodiversity, and public bodies will be required to take account of biodiversity needs in their policy and programme decision-making processes. I also feel that it does not leave an open goal for those who wish to engage in perhaps spurious judicial reviews and have particular interests in what other people are doing, not for environmental reasons but for financial reasons. It would not be in the public interest to allow that to be the case. That is why we are going down that particular route.

I am also proposing an amendment to clause 1(5) to omit the reference to:

*"a department of the government of the United Kingdom".*

This is due to the issue of vires reference to GB bodies in that regard. The amendment will resolve that legal issue. From a policy perspective, that should have a minimal impact on Northern Ireland's biodiversity. All GB Departments already operate under a biodiversity duty under their national legislation.

Amendment No 3 is concerned with the possession of wild birds. It will give the authorities powers to prosecute anyone who is in possession of protected wild birds or eggs of protected wild birds which that person may have taken unlawfully from another EU country. The amendment will ensure compliance with EU wild bird directives.

Amendment No 4 and the consequential amendment No 5 regarding pesticides aim to close a legal loophole. The amendments aim to prohibit the possession of certain highly toxic

chemicals for which there is no legitimate use and which may be used to commit a poisoning offence against wildlife. That is considered important, as there has been an increase in cases involving the poisoning of raptors in Northern Ireland. The amendment will allow my Department to prescribe by order the forms of pesticide that no one should legitimately possess. A similar offence was introduced in Scotland through the Nature Conservation (Scotland) Act 2004 and in England and Wales through the Natural Environment and Rural Communities Act 2006. It is important to note that the amendment will not impact on those who use lawfully approved pesticides for legitimate purposes, for example, for agricultural purposes.

Amendment Nos 6 and 7 are concerned with areas of special scientific interest. Amendment No 6 relates to clause 28, as amended at Consideration Stage. That was a later Back-Bench amendment agreed at Consideration Stage, the aim of which was to give the Department power to enter into voluntary agreements with owners of land outside an ASSI to manage that land in a manner that would help conserve the ASSI. Subsequent legal scrutiny showed that the clause inserted in the Bill was defective due to important differences between management agreements under article 34 of the Environment (Northern Ireland) Order 2002 and other agreements under article 43 of that Order and powers that apply to each type of agreement. The amendment I have tabled will resolve the technical problems while achieving the original policy aim.

Amendment No 7 relates to a Back-Bench amendment tabled at Consideration Stage but not moved on the day. That was due to opposition to another amendment related to ASSIs that would have given my Department wide-ranging powers to prohibit by means of by-laws normally lawful activities such as shooting and fishing.

The amendments that were subject to previous opposition have been dropped and have not been pursued. However, the amendment that I propose was not subject to opposition and is considered important for the protection of our nationally important sites. The amendment will place requirements on anyone undertaking an operation on or near an ASSI that has been authorised by a competent authority to minimise potential damage to the ASSI. Individuals will



be required to take reasonable steps to restore the ASSI to its former condition. That condition already applies to competent authorities that directly carry out such operations. Therefore, it is appropriate to apply the same conditions to activities that they authorise.

The amendments have been considered by the Committee for the Environment, which indicated that it was content with them. I thank the Committee for its considerations. That concludes my explanation of my amendments in group 1.

**The Chairperson of the Committee for the Environment (Mr Boylan):** Go raibh maith agat, a LeasCheann Comhairle. On behalf of the Committee for the Environment, I will go through the seven amendments in this group and indicate the Committee's position. As some time has passed since Committee Stage, that may not be always possible. However, I thank the Minister for keeping the Committee informed of the changes that he expected to make to the Bill at Further Consideration Stage.

Amendment No 1 will, as the Minister told us, change the obligations of public bodies with regard to biodiversity. This is an interesting amendment from the Committee's perspective. During Committee Stage, members questioned the Department about the original wording of the clause, which would have required bodies to "further the conservation of biodiversity". Members were concerned that that could place an obligation on public bodies that, through no fault on their part, could end up being difficult to meet from a technological perspective and/or financially crippling.

The Committee considered the scenario of climate change altering the nature of biodiversity in an area over time in a way that simply could not be avoided without massive costs. Maybe that will seem a hypothetical threat to some, but we already know of a low-lying freshwater habitat in Wales that is on the verge of being radically altered by contamination by seawater as sea levels steadily rise. That site has been designated for protection under European law, and the authorities are already trying to work out with officials in Brussels how they will continue to meet their obligation to protect the site in future years without bankrupting the local authority.

In response to the Committee's question, the Department did not appear to have any concerns about the clause at Committee Stage.

However, it now appears that the Minister has recognised the risk. He advised the Committee in December 2010 of his intention to change the clause and indicated that new wording would provide greater flexibility while still requiring public bodies to take account of biodiversity needs.

Whether or not we believe in climate change, nature is constantly fluctuating. It is right that we place an obligation on public bodies to take account of biodiversity, but we need to take care that we do not shackle them with fighting the normal fluctuations of the natural world. The Committee recognised that and supports amendment No 1.

I move now to amendment No 2. At the same time as the Minister advised the Committee of his proposed amendment to the wording of the biodiversity duty, he indicated that he would make a further change to clause 1 that would ensure that the biodiversity duty applied only to public bodies in the North. The Committee saw that that was appropriate and agreed to support amendment No 2 also.

The Committee also considered amendment No 3. After Consideration Stage, the Department wrote to the Committee advising that an amendment might be tabled at Further Consideration Stage that would allow for anyone in possession of protected wild birds taken illegally elsewhere in Europe to be prosecuted. The Department advised that the amendment would ensure correct compliance with the EU wild birds directive and that a similar loophole had already been recognised and closed in English and Welsh legislation. The Committee sought opinion on the proposed amendment from all the organisations that had submitted written evidence on the Bill during Committee Stage. None of those that responded had any concerns about the proposal, and the Committee agreed to support the amendment, if tabled at Further Consideration Stage. On behalf of the Committee, therefore, I support amendment No 3.

Similarly, amendment No 4, which would insert a new clause into the Bill, was sent to the Committee after Consideration Stage, to be tabled by the Department at Further Consideration Stage.

The Committee was advised that that amendment would also close a legal loophole that lets someone possess highly toxic chemicals and pesticides for which there is no legitimate use

and which may be used to commit a poisoning offence. Again, the Committee sought feedback from interested parties and, although most were content with the proposal, the farmers' union was concerned that it would impose further regulations on farmers and landowners. The union argued that farmers were already obliged to comply with the Wildlife Order 1985 through cross-compliance, and the more complex it becomes, the greater the risk of farmers breaching it inadvertently and subsequently losing their single farm payment.

The Committee recognised farmers' misgivings but felt that it was important to close that loophole. Members stressed that they did not believe that the amendment was aimed particularly at the farming community and suggested that existing cross-compliance requirements should help to prevent farmers from inadvertently breaching the clause. The Committee suggested that the Department might wish to look at adjusting the wording of the amendment to ensure that the legislation targets poisoning offences effectively, without impacting inadvertently on legitimate users of toxic chemicals.

Since the Committee saw the proposed amendment, an additional subsection has been introduced, which will require the Department to be specific about the ingredients to which the clause refers and require it to be satisfied that it is in the interests of protecting wild birds or wild animals from harm. The Committee has not had an opportunity to consider that addition to the amendment, but I hope that I speak for members in welcoming it. The extra control that it brings to the clause to protect legitimate users of pesticides, while still protecting wildlife from being poisoned, is in keeping with the Committee's recommendation. Therefore, on behalf of the Committee, I support amendment No 4.

Amendment No 5 is less clear-cut from the Committee's perspective. It adds the offence that would be committed as a result of the previous amendment to the list of offences punishable by imprisonment of no more than six months or a fine not exceeding level 5. The Committee was not afforded the opportunity to discuss the punishment that might be associated with cases where the offence or possession of pesticides is harmful to wildlife. Therefore, the Committee has no position on amendment No 5.

Amendment No 6 makes changes to the amendment that was agreed at Consideration Stage. The Department subsequently advised the Committee that that amendment would give it the power to enter into agreements with owners of land outside an area of special scientific interest for the purpose of managing that land in order to protect the ASSI.

The Committee was also advised by the Department that an amendment would be required to the clause that was added at Consideration Stage in order for it to link to the legislation to which it refers. The Committee sought feedback from individuals and organisations that had submitted written evidence to the Committee during Committee Stage. Although most who replied were content with that clause and the Department's proposed amendment to it, the farmers' union indicated that it had concerns about the potential impact on farmers and called for more information.

The Committee agreed to support the policy principles of the amendment but strongly recommended that the Department should produce information and guidance on the potential implications for farm owners and landowners. On behalf of the Committee, therefore, I support amendment No 6 but ask the Minister to reassure the House that appropriate information and guidance will be provided.

The Department also sent amendment No 7 to the Committee for scrutiny after Consideration Stage. The Committee was told that the amendment would place a requirement on anyone undertaking an operation authorised by a competent authority to minimise damage to an ASSI and to take reasonable steps to restore that ASSI to its former condition. The Department indicated that that condition already applied to competent authorities that carry out such operations directly. So, it would seem appropriate to apply the same conditions to activities that they authorise. Once again, the Committee sought the views of those who had commented on the Bill during Committee Stage. All those who responded were content for the changes to be made to the Bill, and the Committee agreed to support amendment No 7.

That concludes the Committee's position on the amendments in group 1.

**Mr Kinahan:** Thank you very much. I welcome the opportunity to speak on this subject. I will

go straight to addressing the amendments with no preamble. Amendment No 1 wants to change the requirement to “further the conservation of” biodiversity to “have regard to”.

We are told that the amendment is necessary following the Attorney General's advice and that it will give greater flexibility and allow for further development and improvement in the economy. Having listened to those guidelines in the Committee, I thought it sensible to support amendment No 1. However, I have had time to think more on the subject; and we have a choice. We are the Committee for the Environment, we must lead on behalf of the environment, and I am uncomfortable with amendment No 1. We have a duty to carry out, as best we can, the protection, restoration and improvement of our biodiversity while finding a balance with the cuts and the poor state of the economy. We also have a duty on sustainability.

## 2.00 pm

About a year and a half ago, I spoke at a biodiversity meeting at Mossley Mill. In those days, only three councils had biodiversity officers and seven had officers who had a biodiversity role as part of their normal duties. Today, 17 of the 26 councils are represented on the local biodiversity officer's forum and are involved in trying to protect, promote and restore the biodiversity of Northern Ireland. The Environment Committee is currently scrutinising the Planning Bill, which will see a move towards spatial planning, and will include the need for well-being, sustainability and the inclusion of the community and its views in future planning applications. Therefore, it seems strange to remove some of the onus on conserving the biodiversity of Northern Ireland.

The RSPB feels that amendment No 1 waters down what we should be doing, and a little bit of me wonders whether the amendment represents the previous Minister's style of protecting the environment or whether the Department is behind the watering down. We must be stronger. Therefore, amendment No 1 is not right and sends out the wrong signal. It may fit England and Wales and it may seem sensible, but if the Bill is to be in place for many years, we do not want to water down our biodiversity duties. It would be helpful if the original wording remained in place. It would also be helpful if we had guidelines to show how we could stay with the wording we have and yet allow a little flexibility,

so that if councils cannot take up the duty in hard times, they can put it off until a later date.

The Northern Ireland Biodiversity Group said that we are failing in our progress on biodiversity. Its report also commented that we need to improve our biodiversity and not simply concentrate on the status quo or on restoring it. Biodiversity should not be seen as a cost. It is every bit as important as health, education and jobs. Therefore, I oppose amendment No 1.

Amendment No 2 is technical. I support it.

Amendment No 3 will make it illegal to possess wild birds caught illegally elsewhere in Europe. We were told that that complies with the EU's wild birds' directive. I support amendment No 3.

Amendment No 4 will make it an offence for a person to possess highly toxic chemicals that could be used for polluting, and we are told that that will close a legal loophole. The Committee met with farmers who were concerned that more guidance is needed, so that those who do not know what is on their farms are not punished. Guidance should be given to farmers and landowners about the toxic materials that they may have used in the past and that are now illegal. They will then be fully aware of what they need to get rid of.

Most farmers and landowners obey and follow requirements and look after the ground extremely well. However, two years ago one farmer near the Ballymartin river had an oil tank gently leaking on to the ground to clean it out. He also had a hose pipe quietly turned on further up the hill to wash the oil in to the river. It could have been two mistakes to have had them both running at the same time. It seemed to be wrong. Some landowners out there are not obeying, and we need that loophole to be closed. However, it is not just aimed at landowners. There has just been a pollution incident in the Sixmilewater. That may be down to another body, and we wait to hear about that. We need to close the loopholes to stop pollution.

Amendment No 5, as with amendment No 4, details an offence. What level of fine does the Minister seek? Does it fit with the level of fine that exists under waste and contamination legislation, which could be as high as £30,000, or is it smaller?

Amendment No 6 would give powers to the Department to allow it to enter into agreements



with landowners next to ASSIs. That is to be welcomed, as long as it is not carried out clumsily. Again, I feel that guidelines are needed. We need to know the potential implications for farmers. I await the Minister's reply.

Amendment No 7 also deals with ASSIs and would place a requirement on anyone undertaking an operation authorised by a competent authority to minimise potential damage to an ASSI. That would be an extremely good measure to put in place, and I support it. However, it raises the question of whether we should monitor the contractors when they come in. We should look at not just their plans for whatever they are doing but at their plans for restoration, so that the Department is doing the monitoring just as much as the contractor has to follow what the amendment proposes. Again, I await the Minister's response.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Before discussing the issue, it is important that we look at the Bill. Clause 1(1), to which amendments have been tabled, states:

*"It is the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions."*

One of the Minister's proposed amendments to clause 1 refers to having:

*"regard to the purpose of conserving".*

Like Mr Kinahan, I listened to the debates and discussions on this matter in the Committee. On reflection, and having learned as much I have, I do not believe that I could support that amendment. First, its actual wording leads to a weakening of resolve and purpose in promoting biodiversity. That is the first major concern of those of us who have an interest in nature, wildlife and reinstating old abandoned quarries, or whatever it might be, to their former glory so that that glory can be enhanced. It is very important that a duty is placed on public bodies to do that.

Secondly, the argument has been presented, and it is in some of the documents that we have today, that such a duty exists already in that shape and form in England and Wales. I have just learned that, following its inquiry into biodiversity, the Sustainability Committee in the National Assembly for Wales has decided to recommend to the Welsh Assembly Government

that there be a duty to support and promote biodiversity so that they can build on their existing duty to have regard to biodiversity.

Finally, I would hope to draw experience and expertise from biodiversity officers, that is, the people who know the issues on the ground and whose daily duty is to go out and ensure that biodiversity is promoted and the environment enhanced. Indeed, some such officers prepared a document that has been sent to every MLA. They say that they have a major concern with the proposed amendment, in that it would weaken the duty and change the role of public bodies from a proactive to a passive one. That comes from a representative group of biodiversity officers. Looking down the list I see that, oddly enough, it includes the Northern Ireland Environment Agency's biodiversity unit, which the Minister may or may not have consulted on this.

That brings me to my final point on what is proposed in this amendment. When a representative group of biodiversity officers, from a wide range of public bodies, government and local government, from right across the North, says that it has not been consulted about it, it gives me great concern. If the practitioners have not been consulted on the likely impact of an amendment to the duty and role of public bodies, it gives me cause for concern. I ask that the Minister considers the fact that consultation has not taken place on what could turn out to be a very significant and major duty for public bodies.

With regard the other amendments, a lot of ground has been covered already on guidance to farmers on the use of toxins. All those things came up in the Committee. I will remain consistent with my position taken in Committee: my party will support amendment Nos 2 to 7.

**Dr Farry:** I have the opportunity, or the loss, of not being a member of the Environment Committee, so I may be able to speak slightly more freely.

My party is comfortable with amendment Nos 3 to 7. I have some reservations on amendment No 2, and, like the two members who spoke before me, I am opposed to amendment No 1, as proposed by the Minister.

I will focus most of my remarks on amendment No 1. We favour the original wording of the Bill. We regard amendment No 1 as a dilution of the duty, which moves from a position where

public bodies have a responsibility for furthering conservation to one where they:

*“have regard to the purpose of conserving”.*

My party regards that as a reversal of biodiversity duty. We are moving to a situation where public bodies are being asked to be reactive to situations rather than proactive in biodiversity. We regard it as sending out not just an indicative signal to society as regards our responsibilities to biodiversity as a whole, but something that will see the historic erosion of our biodiversity not reversed. We should be looking to enhance and restore biodiversity, because as a society we have lost an awful lot of it over many generations. A situation where legislation asks public bodies to defend an already poor and deficient status quo is not sufficient.

To our minds, the original wording is not open-ended and is already qualified, in so far as it says that the duty is:

*“to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.”*

That is, the functions of the public body. The Minister intends to roll that forward. To us, that is the qualification that seeks to balance a responsibility to develop biodiversity with realities, social or economic, that public bodies may confront. Simply diluting the biodiversity duties is not the way to better find that balance. All that we will do is lose an opportunity to restore things.

The enhanced risk of litigation that was set out by the Minister is entirely speculative at this stage. If that is the case, we can go back and look at the legislation again. It often frustrates me that we come to the Assembly with reasons why we should not be doing things to move forward and address long-running problems in society, rather than striking out and doing what we think is appropriate and sending out the right signals.

## 2.15 pm

The only other point that I want to make concerns the alleged economic costs. We should turn this on its head and recognise that there are economic benefits to be derived from biodiversity and conservation in society. Doing something about biodiversity should not be seen as an economic drain, a waste of resources or something that we have to put up with

reluctantly. Public bodies should see it as an opportunity. The original wording in amendment No 1 is more consistent with that view. Indeed, we have the support of biodiversity officers in maintaining the original wording. We share their concern about the lack of consultation on what is quite a significant change in the duty being introduced at the eleventh hour.

This may be a small matter, but I am concerned about amendment No 2's removing the reference to Northern Ireland Departments. There may not be that many working here, but they are an aspect of the situation, and it is important that we try to ensure that we are all working in the same direction. Our main concern at this stage lies with the dilution that will be caused by amendment No 1, and we will oppose that amendment.

**Mr O'Loan:** I am glad to have the opportunity to speak briefly, but nonetheless firmly, on one point to do with amendment No 1 in the first group of amendments. I am content with the other amendments. I want to endorse what Danny Kinahan, Patsy McGlone and Stephen Farry said about amendment No 1. I am somewhat surprised that the Minister of the Environment felt strongly enough about that amendment to table it. It does not add to the Bill; in fact, it does the opposite and weakens it.

As other Members said, to replace a duty on every public body to “further the conservation of biodiversity” and replace it with merely a statement that would make a public body:

*“have regard to the purpose of conserving biodiversity”,*

weakens significantly the duty on public bodies. I note that there was a reference to the Attorney General's advice. It is a significant occasion when we get advice from the Attorney General on Bills, because on other occasions we do not get it. That was the only argument that I saw, and I did not take in the full content of the Attorney General's advice. It does not seem to be good policy advice, however. It advises that, if an unanticipated situation occurs in future, the clause as it is worded currently would put a totally disproportionate burden on a Department or any public body and would require any such body to skew its resources towards furthering the conservation of biodiversity in a way that would cause grave damage to its ability to carry out its full functions.

That is not the case. As Stephen Farry and perhaps other Members have stated, there is a clear qualification in the existing wording. Indeed, some of us may think that it allows too much of a let-out for public bodies, because it says that, in exercising any functions, those bodies have only to go:

*“so far as is consistent with the proper exercise of those functions.”*

The public interest and due proportion are fully and adequately protected by those words.

I do not know whether it is possible for the Minister, having heard the debate, not to proceed with amendment No 1, but it is clear, from those who have spoken so far, that the will of the Assembly is not consistent with that amendment.

**Mr B Wilson:** The Green Party opposes amendment No 1. Like previous contributors to the debate, I believe that the proposed amendment would seriously weaken the Bill. It would change the duty of every public body:

*“to further the conservation of biodiversity”,*

to:

*“to have regard to the purpose of conserving biodiversity”.*

In effect, the amendment removes a statutory duty and replaces it with a recommendation, which will give the public bodies a licence to ignore that duty. Instead of putting a duty on councils to enhance biodiversity, it requires them not to make decisions that would cause a loss of biodiversity. A proactive role is replaced by a passive role, as biodiversity officers have pointed out.

As the Royal Society for the Protection of Birds (RSPB) points out, the EU biodiversity targets for 2020 require us to restore biodiversity, not simply halt its loss. The clause as drafted would help to ensure that Northern Ireland does what is required to meet our obligation under that directive. The clause as drafted would also help us to meet the requirements of the birds directive. The UK is already under scrutiny and could face fines further down the line.

It appears that the change is driven by economics and may be related to the transfer of planning powers to councils. If the clause is amended, there would be significantly less protection for biodiversity in planning decisions.

Indeed, a recent global study on the economics of biodiversity shows that sustaining biodiversity is less expensive than the consequences of biodiversity loss. That report estimates that, by 2050, the loss of biodiversity will cost 7% of global GDP. We must be proactive rather than reactive. In fact, I believe that Europe will eventually impose such an obligation on us.

There is widespread support for the clause in its original form, including that of the biodiversity officers forum, most councils, many environmental groups and the Northern Ireland Environment Agency. It is not clear where support for the change comes from. However, if such an important change is to be made, there should be full public consultation. We should follow the example of the Welsh Assembly Government, which opted to take a proactive approach. Why are we always the poor cousins of devolution when it comes to environmental protection? The Green Party strongly supports amendment Nos 3, 4, 5, 6 and 7.

**Mr Molloy:** Go raibh maith agat. I oppose the amendment that has been proposed by the Minister. The existing legislation and what the Committee has been presented with represents a stronger position than what is proposed now. As other Members said, the issues are better protected by the existing legislation and proposals than by the amendment, which weakens the position to some extent. It is important that we have the clear direction that is required to ensure the protection that is envisaged in the first part of the Bill and to give meaning to the Bill's intent.

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

*The debate stood suspended.*

2.30 pm

*(Mr Speaker in the Chair)*

## Oral Answers to Questions

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

**Mr Speaker:** Before Question Time begins, I warn Members who would get up and try to ask multiple supplementary questions that that will not be allowed. I know that supplementary questions can sometimes take legs. I understand that, but with the time limit on Ministers in answering questions, there must be one enquiry to a question. Standing Orders are also clear on that. There will not be multiple supplementary questions. I warn the whole House on that issue.

### Sustainable Development Strategy

1. **Mr McGlone** asked the First Minister and deputy First Minister to outline progress in relation to the sustainable development strategy. (AQO 949/11)

**The deputy First Minister (Mr M McGuinness):** With your permission, Mr Speaker, I will ask junior Minister Gerry Kelly to answer question 1.

**The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly):** Go raibh maith agat, a Cheann Comhairle. The Executive formally adopted the sustainable development strategy on 27 May 2010. There is a commitment in that strategy for us to produce an implementation plan that sets out in detail how Departments and others would take forward delivery of the strategies, commitments and strategic objectives.

The consultation exercise on the strategy implementation plan ran from 26 July to 5 November 2010. The findings from that process have been passed to the Committee for the Office of the First Minister and deputy First Minister for consideration, and we are in the process of finalising an implementation plan for approval by the Executive.

The draft implementation plan contains commitments to action on behalf of each Department to deliver the objectives of

the strategy and to monitor and report on progress. In fulfilment of our commitment to deliver the strategy in partnership with the wider public, private, and community and voluntary sectors, the draft plan also contains commitments to action on behalf of partners beyond government. It also makes provision for arrangements to ensure continued positive engagement with other sectors as we move into the implementation phase of the strategy.

**Mr McGlone:** Gabhaim buíochas leis an Aire as ucht an fhreagra sin. I thank the Minister for that response. Does he agree that, without the facility and resource of the Sustainable Development Commission (SDC) within OFMDFM, these matters and their implementation and monitoring could be more difficult?

**The junior Minister (Mr G Kelly):** I suppose that that is a matter of debate. The fact is that a decision was made to do away with the Sustainable Development Commission. We put our strategy together, not on the basis of its existence but on the basis of needing to have a strategy, and we will move forward with that strategy. It may be more difficult in terms of substance, but our sponsorship of the SDC cost around £120,000 a year; we may be able to put our strategy forward for a bit less than that.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. Is the Office of the First Minister and deputy First Minister any closer to finalising appropriate arrangements and structures to carry on the work of the Sustainable Development Commission, the life of which is coming to an end?

**The junior Minister (Mr G Kelly):** In developing a new structure to support the delivery of our ambitions for sustainable development, we have sought to identify arrangements that will work effectively alongside the existing structures of government. This refers to the previous question as well. To do so, the principles we have applied are to make use of the knowledge and abilities already at our disposal across government; to bring in external resource and an independent voice, where that adds value to the process; and to secure maximum efficiency and value for money by building flexible structures that are responsive to need. By applying those principles, we have developed a structure that will deliver significant savings compared with the current arrangements and that is optimised to meet our needs. The detail of our proposals will go before



Executive colleagues and the Committee for OFMDFM as soon as is practicable.

**Dr Farry:** The junior Minister will be aware that the Committee was very unimpressed by the draft strategy that it saw recently. Will he give an assurance that there will be real and meaningful targets as part of the final strategy, and that all Departments, their agencies and other bodies will be fully signed up to it?

**The junior Minister (Mr G Kelly):** The easy answer is that we certainly intend to make sure that all Departments are signed up to it. It is a cross-cutting issue, which is why it is centred in OFMDFM. We will have monitoring and reporting facilities to bring that forward. We will not just have a strategy; we will watch the strategy as it progresses.

**Mr Kinahan:** I thank the Minister for his reply. I echo what has just been said. In the interim report last week no replies were given to the question about which Departments were not answering, and the deadline is 25 March. What action is the Minister taking to ensure that such vital but lofty strategies actually mean something, have time frames and become achievable?

**The junior Minister (Mr G Kelly):** We have given a series of commitments in the sustainable development strategy on reporting, accountability and, as I said to the previous Member, on sustainable development, including: sustainability scans as part of the impact assessment process; integrating sustainable development into the Programme for Government; setting specific, measurable, achievable, realistic and timely (SMART) targets; identifying lead Departments in relation to our strategic objectives; the development of indicators and reporting on Departments' sustainable development performance. The detail of the implementation of each of those commitments is set out in our draft implementation plan.

## OFMDFM: Efficiencies

2. **Mr Ross** asked the First Minister and the deputy First Minister what actions their Department is taking to ensure continued efficiency and to reduce departmental administrative costs. (AQO 950/11)

**The deputy First Minister:** Our Department has a unique role in the Civil Service. It provides advice and support to the First Minister and

me and to the Executive and other Ministers and their Departments concerning participation in the institutions of government. It also develops a wide range of cross-cutting policy and provides many advisory functions, for example, on issues of economic policy, the Programme for Government and the investment strategy, tackling poverty and social exclusion, equality of opportunity, human rights, good relations, children and young people, victims and survivors, sustainable development and civil contingencies. OFMDFM also sponsors and oversees the work of a number of arm's-length bodies.

It is worth remembering that in 2004 there were 460 staff in post in the Department. That had reduced to 427 in April 2007, and, in 2010, the Department carried out a restructuring exercise that further reduced staffing levels. At present, we have 351 staff in the Department. On top of that, we plan additional efficiencies to be put in place during the Budget 2011-15 period to achieve a 12% reduction in departmental operating by March 2015. That will include a further reduction in staffing numbers, which we aim to achieve through a combination of natural wastage and redeployment to other Departments.

The Department will work closely with the trade union side throughout the planning and implementation stages and will ensure that our staff and their representatives will be kept fully informed throughout the process. The reductions will not impact on the delivery of programmes or our commitments in the Programme for Government. All areas of the Department, including its arm's-length bodies, will continue to be subject to review to ensure maximum efficiency and effectiveness.

**Mr Ross:** I thank the deputy First Minister for his answer and welcome the continued commitment to reducing administrative costs. The deputy First Minister mentioned the reduction in staff numbers, certainly compared to the last Administration. Will he give any detail on the total administrative costs during the last Administration and how that compares to today's figures?

**The deputy First Minister:** It is obvious from the answer that we have seen a reduction of some 109 personnel over that period. I do not have to hand the savings that that brings to our Department, but they are substantial. We will



write to the Member with the exact figures in due course.

**Mr O'Loan:** Do the deputy First Minister and the First Minister have any plans to reduce the number of special advisers in their Department?

**The deputy First Minister:** Everybody in the House is aware that there will be an election in the next couple of months, so making changes to those who advise us at this stage would not make sense. Whatever new Administration is elected after the Assembly elections, and whoever is the First Minister and the deputy First Minister and the other Ministers in the Department, will have to decide who their advisers are and what their numbers will be. We are content to wait for the Assembly election and its outcome.

**Ms M Anderson:** Go raibh míle maith agat. Will the Minister give an assurance that efficiency in the Department will in no way affect the delivery of front line services?

**The deputy First Minister:** In taking forward planning for savings throughout the Budget 2011-15 period, senior management teams in OFMDFM are carrying out analyses that will identify options for reductions alongside an assessment of the impact of those reductions. The focus of that work, which will include our arm's-length bodies, will be on back-office functions and will allow us to continue to deliver on our key objectives, which are driving investment and sustainable development; tackling disadvantage and promoting equality of opportunity; operating effectively the institutions of government; and delivering an agreed Programme for Government. Our aim is to ensure that the delivery of front line services is not adversely affected by the savings plan.

**Mr K Robinson:** Will the deputy First Minister inform the House about the policy innovation unit's input on the construction of the draft manifesto?

**The deputy First Minister:** As we go forward, support units in the Department are involved in every aspect of our work. We all understand that as a result of what I described last week when the First Minister and I met Treasury officials and Deputy Prime Minister Nick Clegg, the draconian cuts that have been inflicted on us as a result of decisions taken by the Tory-led Administration — we are all very conscious of the Ulster Unionist Party's support to the

Tories during the election campaign — mean that it is obvious that the Administration have to deal with the fallout from that. From our perspective, in what is a very difficult time for our Administration, we have to focus on our key aims, one of which is to ensure that the development of our economy is front and centre of the Programme for Government. In addition, we must ensure that front line services are protected and that those people who are most disadvantaged in our society are assisted by processes and programmes that recognise that, in a time of austerity, they are, indeed, the most vulnerable section of our community.

### OFMDFM: Brussels Visit

3. **Mr F McCann** asked the First Minister and deputy First Minister how their Department intends to build on the goodwill generated by the recent ministerial visit to Brussels including the potential to secure funding for a Peace IV programme. (AQO 951/11)

**The deputy First Minister:** Our recent visit to Brussels was highly successful in renewing the unique relationship with the European institutions that we have enjoyed and benefited from in recent years. That was most evident in President Barroso's reaffirmation during our visit of his personal commitment to assist our Administration and to the continuation of the task force. Goodwill was equally evident during other meetings with the President of the European Parliament, Jerzy Buzek, Commissioners Marie Geoghegan-Quinn and Johannes Hahn, and Danuta Hübner, the Chairperson of the European Parliament's Committee on Regional Development.

Recently, our junior Ministers chaired a meeting of the Barroso task force working group to prepare for an inward visit by Commission officials that is anticipated for March. They emphasised the need for a step change in our engagement with European funding programmes, policies and networks. A framework for discussion with European officials was agreed, and it seeks to allow regional objectives with EU priorities for 2011 and with Europe 2020, the EU strategy for smart, sustainable and inclusive growth. That approach will help us to identify further opportunities to access EU funding programmes. A key purpose of the task force's visit will be to identify tangible opportunities in the EU programmes to help the Executive to increase by 20% the

amount of funding accessed from Europe on a competitive basis.

During our visit to Brussels, we raised the issue of a Peace IV programme at the highest levels. We were encouraged by the positive remarks made by senior figures in the Commission and the Parliament, and I know that we have a great deal of support in EU institutions for another Peace programme.

**Mr F McCann:** On that note, will the Minister provide an assessment of the possibility of a Peace IV programme?

**The deputy First Minister:** Members will be aware that the First Minister and I have reported on that in the past. They will also be aware that we discussed the issue with President Barroso, European Parliament President Jerzy Buzek and, indeed, the Irish Government, all of whom recognised the importance and success of previous Peace programmes in supporting peace-building work. Already, the British Government, in their response to the public consultation on future cohesion policy, have included a commitment to support further European funding in support of the peace and reconciliation process. We would, of course, welcome further European funding and will continue to lobby for it. We are also all very conscious that there is an ongoing debate and negotiation in Europe vis-à-vis individual member states' contributions to the process, going forward. Until that is settled, it is hard to predict the outcome.

**2.45 pm**

**Mr Campbell:** Goodwill can be generated when those who hold the purse strings in Brussels are aware of the knowledge and professionalism of the Assembly over the past four years. Does the deputy First Minister know how impressed they were with his colleague the Baron of Northstead, when he talked about a warm homes scheme?

**The deputy First Minister:** Well, I think that, you know — *[Laughter.]*

In all our visits to Brussels, we have been conscious of who we are and who we represent. I am not going to answer a question that plainly misrepresents what happened in relation the resignation of my party leader as MP for West Belfast.

**Mr A Maginness:** I thank the Minister for his replies. Does he agree with the Member who represents Northern Ireland on the Committee of the Regions Mr Francie Molloy that the Barroso process is a flop? He stated that at a recent meeting of the Committee for the Office of the First Minister and deputy First Minister.

**The deputy First Minister:** I think, and I know that the First Minister agrees, that the Barroso task force is very important and is the embodiment of the goodwill that clearly exists at the highest level in the EU for the peace process here. President Barroso created a group of Commission staff who benchmarked our participation in EU matters against that of other regions and made suggestions about policies and funding that may be of interest to us. The task force remains available to provide advice and guidance on EU policies and their application to our circumstances. That help is vital, because it opens doors for Ministers and officials in any of their dealings with the EU and makes for better and more effective engagement.

If the First Minister and I learned anything from our most recent visit to the European Parliament and to the European Commission, it is that we can do more, that we need to up our game and that all our Departments, without exception, need to get to know the workings of the European Commission and the European Parliament and about the availability of resources for their Departments. As I said in my initial answer, we hope to increase what we gain from Europe by 20%. Therefore, we are very conscious that the support that we receive from Europe is critical. The access that we have as a region is incredible compared to that of many other regions throughout western Europe. With the opening of our new office and with the experienced staff there, we intend to continue to encourage all of our Departments, in a cohesive and joined-up way, to avail themselves of the considerable resources there, which I do not doubt will come our way if we can increase our activity in that area.

## **Programme for Cohesion, Sharing and Integration**

4. **Mrs D Kelly** asked the First Minister and deputy First Minister when their Department

will publish its response to the consultation on the draft programme for cohesion, sharing and integration. (AQO 952/11)

**The deputy First Minister:** The draft cohesion, sharing and integration (CSI) programme is continuing to be developed following the consultation process, which closed on 29 October 2010. The public consultation afforded everyone the opportunity to comment on the range of issues covered in the draft CSI programme. Although the consultation formally closed on 29 October, officials granted one more week to allow for late returns to be included in the analysis of the findings. The consultation attracted 290 written responses and included the wealth of views in material gathered from 11 public meetings and 15 targeted sectoral meetings that were held in a range of locations during September and October 2010.

The draft report on the analysis of the consultation responses was completed in early January 2011. Officials are considering the findings, and proposals for the ongoing development of the programme for cohesion, sharing and integration will be passed to the First Minister and me shortly for our deliberation. We were heartened by the interest, effort and engagement of all those who took part in the consultation, and we want to give the views of all those people due consideration as we look at how we build on and strengthen the document. We intend to publish all the responses on the website in due course, along with the results of the analysis.

**Mrs D Kelly:** I am very disappointed that we have no time frame. I think the answers were “issued shortly” and “in due course”. According to OFMDFM’s recent publication on good relation indicators, sectarianism is on the rise and the number of peace walls has increased considerably since the ceasefires in 1998. Therefore, does the deputy First Minister not agree that there is an urgency to publish the strategy to deal with sectarianism and other forms of hate crime? When exactly might we see the launch of the final strategy —

**Mr Speaker:** I encourage the Member to come to her question.

**Mrs D Kelly:** — given the amount of adverse comment that there was on it?

**The deputy First Minister:** I was part of an Administration that existed on and off from December 1999 through to October 2002 and that was led by the Ulster Unionist Party and the SDLP. During that period, they failed miserably to come forward with any cohesion and integration strategy. We have come forward with an agreed approach, and it has been out for consultation. There has been a lot of debate and commentary on it and, in my answer, I outlined the number of responses that we received. We are encouraged and heartened by all of that. I indicated in my answer that our minds are open and that we are looking to strengthen our approach, listen very carefully to what is being said and see how we can move forward in a way that clearly shows that, at long last, we are capable of devising strategies that will bear down on racism and sectarianism. From our perspective, it is absolutely vital to do that.

The next steps centre around the work of the officials, who are considering the analysis of the consultation and are developing proposals for the next steps on a range of issues on the CSI programme, including the further development of the programme for cohesion, sharing and integration; the implementation of the ministerial panel for the CSI; the future of the provision of funding to groups and advice to government; and plans for the transition from current arrangements for the delivery of good relations funding and services to new arrangements. The First Minister and I will begin to receive detailed advice on those issues in February.

So, we are not under any illusions about the importance of the issue. As we go forward, it is absolutely vital that we recognise that there has been a transformation in our society in so far as the overwhelming majority of the people who vote for all the parties in the Assembly want us to move forward together and to build a better future for them and their children. That is what we are trying to do, and some of us are trying to lead by example. It is not easy. There are people out there who are opposed to peace and who appear to thrive on trying to ferment strife, sectarianism and racism. However, those people are very much a minority in our society. I am absolutely of the view that, as we go forward and work together, we can bear down on those people and let them see that the best way forward is to join the rest of us in building a better future.

**Mr Bell:** Does the deputy First Minister agree that all parties, including the SDLP and the Alliance Party, should start to act constructively in the process, including by bringing forward their proposals for the Departments over which they have responsibility?

**The deputy First Minister:** All Departments have a responsibility to do just that. I know that we will soon be discussing the Budget, but I am conscious of the fact that we went through a situation at the beginning of this Administration in which the former Minister for Social Development voted for a Budget and the SDLP voted against it in the House. That was not very cohesive from an SDLP point of view. That former Minister, who now is the leader of the SDLP, also said in her party conference speech that she wanted to, effectively, cosy up to the Ulster Unionist Party, which is a party that hooked itself up to the Conservatives, who imposed swingeing cuts on our Administration and effectively withdrew £4 billion from our Budget over the next number of years. So, there is a responsibility on those who call for more cohesion to be more cohesive themselves.

**Ms Purvis:** I welcome the deputy First Minister's remarks. It would indeed be a good legacy for this Executive and this Assembly if a cohesion, sharing and integration strategy was published, along with a vision for Northern Ireland and an action plan to achieve it. Can the deputy First Minister give an assurance that that programme will actually be published before the end of this Assembly?

**The deputy First Minister:** We would like to be in a position to do that. It will depend on the work that is ongoing, which officials are involved in, and the forwarding of that to the First Minister and me. We will endeavour to do that. At the same time, we are very conscious of the fact that we are facing Assembly elections and that there will be different Ministers involved in the participation of different Departments in the ensuing period. It is hard to know whether it would be more sensible to publish at this stage or to wait for the new Administration to take it forward. After all, it is now only a few months away. This is vital work.

The Member has just visited northern Iraq, where she took the experiences that we have been through to another region of the world that has suffered enormously in recent years. That was very important work, and I congratulate her.

I too, along with other Members of the House from unionist parties, have been to Iraq and understand that people there pay great attention to what is happening here. Well done to the Member; there is no doubt whatsoever that, as we go forward, the outcome of our CSI strategy and how we deal with it will be of interest not just to ourselves but to many other regions of the world that have endured conflict.

### Arm's-length Bodies

5. **Mr Butler** asked the First Minister and deputy First Minister for an update on the review of arm's-length bodies being carried out by the Budget review group. (AQO 953/11)

6. **Mr Irwin** asked the First Minister and deputy First Minister whether they have any plans to review the role of their Department's arm's-length bodies, with a focus on the greater sharing of key services currently being delivered by the various commissions. (AQO 954/11)

**The deputy First Minister:** With your permission, Mr Speaker, I will answer questions 5 and 6 together.

The Executive will shortly consider criteria to be applied by the Budget review group in reviewing arm's-length bodies. The Budget review group will bring recommendations to the Executive that will inform final decisions and lay the basis for legislation early in the term of the next Assembly. Our officials will provide support to the group in its work.

OFMDFM has responsibility for a number of arm's-length bodies, including the Equality Commission and the specific commissioners for victims, children and young people, and, when recent legislation is implemented, older people. These will, of course, fall within the scope of the Budget review group's remit. The potential to deliver savings through the rationalisation of the structure and functions of OFMDFM's arm's-length bodies will be examined, focusing on greater sharing of back-office functions across bodies, including the various commissions sponsored by the Department. Our officials have been in discussion with these organisations about reducing costs. Meetings are continuing, with the aim of proactively identifying scope for savings and efficiencies through closer collaboration.

**Mr Butler:** Go raibh maith agat. I thank the deputy First Minister for his answer. Does he



agree that, given the huge amounts of public money being spent on a lot of these arm's-length bodies, which some people describe as quangos, the outcome of this review should see many of them being axed and their responsibilities and roles being incorporated into various Departments?

**The deputy First Minister:** I do not want to pre-empt the outcome of the ongoing review. However, we all know and understand that, at a time of great financial difficulty for our Administration, there is a huge responsibility on us to look at what more can be done to ensure the proper monitoring and dispensation of very scarce resources. Without pre-empting the review, it is fair to say that a very critical examination of all the arm's-length bodies is taking place, with a view to ensuring far greater efficiency.

**Mr Irwin:** I thank the Minister for his reply. Recent figures have demonstrated a considerably higher spend per child in Northern Ireland than anywhere else in the United Kingdom — by the Children's Commissioner, for example. Can the deputy First Minister confirm that bodies must become as efficient as possible and offer value for money?

**3.00 pm**

**The deputy First Minister:** Yes. All the arm's-length bodies understand that things are different now and resources are scarce, so there is a huge responsibility on them and on us to ensure that we are bearing down on all the arm's-length bodies to ensure that we get the service that we desire and require for the people we represent at the least possible cost.

## Justice

### Security: Dissident Republicans

1. **Mr B McCrea** asked the Minister of Justice to outline the current level of threat posed by dissident republicans. (AQO 964/11)

11. **Mr Storey** asked the Minister of Justice what is the current position on the request by the Chief Constable for additional funding of £200 million to combat the dissident republican threat. (AQO 974/11)

**The Minister of Justice (Mr Ford):** Mr Speaker, with permission, I will answer questions 1 and

11 together. The level of threat in Northern Ireland remains severe. That was illustrated by the attempted terrorist attack on the Antrim Road in Belfast the week before last. There is no doubt of the callousness and irresponsibility of the individuals who abandoned two devices in a highly populated residential and commercial area while hundreds of people continued to go about their daily business. I am thankful that no one was killed or injured, but let me be clear: the intent was to cause death and serious injury. There was a significant risk to anyone passing had the devices detonated. I pay tribute to the professionalism and bravery of police officers and to the Army technical team in dealing with the incident. I acknowledge their continued determination to carry out their duties against the backdrop of the threat. I highlight also the tremendous display of community spirit, with churches and others stepping in to assist those who were moved from their home.

I am still pressing the Government to meet the request that the Chief Constable and I made for £200 million of funding from the Treasury reserve for the police budget. The agreement that was reached on the devolution of policing and justice recognised that access to the reserve would be possible for such exceptional security pressures. I have spoken to the Secretary of State a number of times in recent days, including this morning, to impress on him the importance of the request and the need for a positive outcome. The issue is being considered at the highest level of government. I have made it clear that my ability to accept my draft budget is conditional on the Government meeting their obligations, and I have been supported by the Committee for Justice on that.

It is important, however, to recognise that there needs to be a wider response to terrorism beyond that which policing can offer, and that was shown by political and community leaders over the past week. It is clear that we must continue to work together to make progress on behalf of all the people of Northern Ireland to promote a shared, positive and peaceful society.

**Mr B McCrea:** Can the Minister tell the Assembly whether it is he or the Secretary of State who has the power to revoke the licence of people released under the Good Friday Agreement? If it is the Minister, can he tell us, following reports in the newspapers over the weekend, whether there are names of people



who are known to him and whether he is considering that action?

**The Minister of Justice:** I thank the Member for the question, which he answered himself. Responsibility for such matters rests with the Secretary of State. It is no part of the responsibility of the Department of Justice.

**Mr Bell:** Has the Minister information that up to 100 terrorists are planning to form another terrorist grouping? Can he assure the House that, if he has the appropriate evidence, those people will be rounded up and incarcerated?

**The Minister of Justice:** I can only refer the Member to what I have just said. I have no evidence, and, if there were evidence, I would have no such responsibility. However, I have no doubt that, if there were evidence, it would be presented by the Police Service to the Secretary of State in a way that would enable him to take any appropriate decisions.

**Mr Speaker:** Mr Storey, I apologise. Your question was grouped, and you should have been called before Mr Bell.

**Mr Storey:** I accept the Minister's comments that a severe threat remains. If we were unable to secure the additional funding, what would be the impact on the continuation of the delivery of effective and good policing in Northern Ireland?

**The Minister of Justice:** Mr Storey raises an extremely important point. I have been assured by the Secretary of State that discussions are ongoing at the highest level of government. If the £200 million that, together with the £45 million provided from Executive funds, we believe to be required to meet the additional security funding were not made available, the entire budget for the Department of Justice would be in major jeopardy. Frankly, that would be an indication of serious difficulty for the entire process of the devolution of justice, based as it was on the letter to the First Minister and the deputy First Minister by the previous Prime Minister last year.

**Mr D Bradley:** Go raibh míle maith agat, a Cheann Comhairle, agus Gabhaim buíochas leis an Aire as a fhreagra.

I thank the Minister for his answer. Does he agree that the PSNI's efforts to deal with the dissident threat would be much more effective if primacy for intelligence rested with the PSNI and not with MI5, as is currently the case?

**The Minister of Justice:** Although I thank Mr Bradley for his question, I do not agree with him. In line with entire UK policy, MI5 has had full operational responsibility for all national security matters since November 2007. The issue is the relationship in intelligence gathering between the Chief Constable of the PSNI, MI5 and the Garda Síochána. The Chief Constable has assured me that he has full access to all the intelligence that he requires. Indeed, much of the work on the ground is being provided by police officers, rather than by MI5, so I do not believe that there is any need to change the arrangements at the moment. The important issue is that there is the fullest possible co-operation between all the agencies on this island and throughout the United Kingdom.

**Dr Farry:** Does the Minister agree that the actions of the PSNI in countering the terrorist threat are of benefit not merely to Northern Ireland but to an area that extends well beyond our shores?

**The Minister of Justice:** The simple answer is yes. It is clear that some people, if they had the capacity, would wish to carry their terrorism to Great Britain and possibly further afield. There is absolutely no doubt that the front line work that community police officers and those involved in intelligence matters in the PSNI are doing, in conjunction with their colleagues in the gardaí, other police services across the UK and MI5, is helping to stop that happen. However, there is no doubt that the work that is done every day on the front line in Northern Ireland is a key part of the anti-terrorism strategy for the United Kingdom as a whole.

## Paramilitary Funerals: John Brady

2. **Mr Bresland** asked the Minister of Justice how many people have been questioned, charged, prosecuted or sentenced in relation to the paramilitary funeral of John Brady in Strabane in October 2009. (AQO 965/11)

**The Minister of Justice:** To date, four people have been arrested in connection with that matter. One person has been charged with offences under the Terrorism Act 2000 and the Firearms (Northern Ireland) Order 2004. A report has been sent to the Public Prosecution Service about a further individual. As charges have been brought and the police investigation into the matter is ongoing, it is not appropriate to comment further.

**Mr Bresland:** I thank the Minister for his answer. Is he aware of growing concerns in the unionist community that the PSNI seems to be going soft on republicans? In the light of the dissident threat, will he ensure that the PSNI will make every effort to bring dissidents to justice?

**The Minister of Justice:** Statistics for last year show that 80 people were charged with terrorist offences. The fact that the PSNI is taking resolute action against terrorist threats, from whatever quarter they emerge, is a clear indication of the work that is being done. I believe that any perceptions that the PSNI is not pursuing terrorists are completely misplaced.

**Mr Armstrong:** At the funeral in question, four men fired a volley of shots over the coffin. There was a guard of honour of 50 men, and four stood vigil over the coffin overnight. Can the Minister explain how tolerance of that blatant display of illegality, which turned a funeral into a political stunt, can do anything but undermine the rule of law?

**The Minister of Justice:** If that were the case, I would agree that it could undermine the rule of law. However, there is no evidence that anything other than a robust police operation is in place. Given that that operation is ongoing, I shall not comment further.

**Mr Callaghan:** Members will be well aware of the concerns that were raised about the tragic death of John Brady while in custody. Can the Minister provide an update on the steps that have been taken to ensure that such a tragedy does not recur?

**The Minister of Justice:** I thank Mr Callaghan for that question. I understand that, following a full investigation by the Police Ombudsman's office into the incident, a file has been forwarded to the PSNI's professional standards department, and misconduct proceedings are ongoing. Therefore, again, it is not appropriate to comment any further until that process is concluded.

### Prisoners: Reoffending

3. **Mr McQuillan** asked the Minister of Justice what processes he has put in place to reduce the reoffending rates for prisoners and the associated annual cost of £80 million. (AQO 966/11)

**The Minister of Justice:** I have commissioned important work to develop a new,

comprehensive strategy for reducing offending. It aims to reshape fundamentally our approach to tackling the factors that lead people into criminal behaviour and the obstacles that hinder them moving away from it. That will require a joined-up and co-ordinated approach across Departments, the justice system and the voluntary and community sector.

Successful rehabilitation of those who are convicted of crimes is a key responsibility of the justice system. If we are to achieve effective rehabilitation and resettlement of offenders, whether they are in custody or under supervision in the community, a joined-up approach needs to be adopted that deals with a range of factors that can contribute to an individual's offending. They include poor mental and physical health; drug and alcohol rehabilitation; educational deficits; lack of employment; and poor or inadequate housing. Research indicates that those social factors, which are generally known as pathways, are often precursors to offending behaviour. They are addressed in the Prison Service through the pathways model. That adopts a multi-agency approach to ensure that those who have offended or are at risk of offending can be helped to access mainstream and specific services most effectively.

The pathways model identifies a total of nine key pathways, which, if effectively addressed, will contribute to a reduction in offending behaviour and the successful rehabilitation of offenders. The consultation process for the draft pathways strategy for the resettlement of offenders in Northern Ireland will commence this month.

**Mr McQuillan:** I thank the Minister for his answer. Will he inform the House of the timescale in which he expects the pathways strategy to kick in and when we can expect to see a difference in levels of reoffending?

**The Minister of Justice:** As I said, consultation on the pathways strategy will start this month. It is part of the wide-ranging review under the strategic efficiency and effectiveness programme by the Prison Service and the ongoing work to reform the Prison Service overall. By the end of the month, I also expect to make a statement on the Owers review on the oversight and management of prisons. I believe that it will further inform the work of the pathways project.

**Mr McDevitt:** The Minister will, of course, be aware that 70% of prisoners suffer from either mental illness or a personality disorder and that the state, by and large, fails them. They go on to reoffend. What assurances will the Minister offer the House that new measures are being taken to ensure that prisoners who suffer from personality disorder or mental illness are, when released, actually able to get the resources that they need so that they do not end up back in prison?

**The Minister of Justice:** The Member identifies a key point about the rehabilitation process that is needed. However, a key issue is that that cannot be provided by the Department of Justice alone. As Members will be aware, health services in the prison estate are now provided by the South Eastern Health and Social Care Trust. There is a need to develop those services further and for wider liaison with a range of voluntary organisations that help with rehabilitation, particularly NIACRO and Barnardo's. Work needs to be done to liaise with the Housing Executive and housing associations to assist on matters in that area. Clearly, training for employment would also help. All those factors run together, and the Prison Service is seeking to address them. However, we are all well aware of the Prison Service's problems in dealing with its history and seeking to move forward.

**Mr McCarthy:** I listened to what the Minister just said about co-operation. Is he satisfied that all other Departments co-operate enough to allow us to get on top of that programme once and for all?

**The Minister of Justice:** I will resist the temptation to start enumerating exactly what co-operation may be needed. The simple answer is that society has failed to recognise the need to work together on the rehabilitation of offenders. It has been seen as an issue for justice agencies and not, as I explained in my original answer, as part of the pathways process to look at the range of issues around employment, housing, social welfare and so on. The Member's question rightly highlights the need to improve joined-up working. Certainly, the Department of Justice is keen to work co-operatively. We will continue to build our links with other Departments to ensure that those services are provided.

## Magilligan Prison: Governor

4. **Ms S Ramsey** asked the Minister of Justice what discussions he has had with the director of the Prison Service regarding the appointment of the new governor of Magilligan prison. (AQO 967/11)

**The Minister of Justice:** The appointment and deployment of governor grades in the Northern Ireland Prison Service is an operational decision for the director general. Prior to the announcement being made, I had discussions with Mr McConnell about the appointment of governors, including the robust performance management arrangements he is putting in place whereby the governors of the three prisons will be set clear priorities and required to report directly to him. That is a positive development that will ensure that appropriate responsibility is devolved while ensuring a strong accountability mechanism.

### 3.15 pm

**Ms S Ramsey:** Go raibh maith agat. I thank the Minister for his answer. Is he satisfied that, with respect to any new or recent appointments, people are au fait with the recommendations of the ombudsman's report into the death of Colin Bell, so that we ensure that lessons are learned from previous incidents and can move forward?

**The Minister of Justice:** Sue Ramsey raises a valid point, but I can only quote back to her what was said by the Prisoner Ombudsman on the making of those new governors' appointments. She pointed out that we are now more than two years on since the death of Colin Bell and referred to the appointment of the new director general who, she said, is evidently fully committed to the delivery of widespread reform. She said that she believes that Alan Longwell can now play an important role in taking the service forward. We have to work with the position that we are in and ensure that we get the most robust and strong management structures in place, but I am reassured by the statement from the Prisoner Ombudsman as to how she now sees things.

**Lord Morrow:** I draw the attention of the Minister again to the latest report on our prisons; that is, the Criminal Justice Inspection (CJI) report, which came out in December. In that report it was indicated that we have now had 20 reports on our prisons since 2005. The CJI's report makes that 21, and we are now

waiting for Dame Anne Owers's report, which will make it 22. Is it reasonable to assume that, after 22 reports over the past five years, we now have enough information to allow some decisions to be made in relation to our prisons, or does the Minister intend to have another round of reports?

**The Minister of Justice:** I assure Lord Morrow that I do not intend to have another round of reports. A great number of the reports that he refers to were commissioned in respect of individual incidents or small aspects of the working of the Prison Service. The point of the overall review, which is currently being led by Dame Anne Owers, is to draw together the lessons of the past reports, as well as doing its own work from first principles. As I said, that report is likely to be published in its initial form by the end of this month, and I think it will show the ability to draw together some of those strands, as, indeed, the work being done by the strategic efficiency and effectiveness programme is drawing together some of the operational responsibilities in the Prison Service. I am determined that we use those reports as a way of leading the change that is needed in the Prison Service in order to promote the rehabilitation of prisoners and a reduction in offending.

**Mr A Maginness:** The appointment of at least one of those governors was a fairly sensitive matter. I accept that it was an operational matter for the director of prisons, but nonetheless, was there any discussion between the Minister and the director of prisons in relation to what was a very sensitive appointment? Would it not have been prudent for such a discussion to have taken place prior to that appointment being made?

**The Minister of Justice:** I agree with Mr Maginness that it was a sensitive issue, and I have said that there was discussion with the director general. However, it is clearly an operational issue and not one in which I should have been interfering as the Minister, as opposed to the director general. The structures that the director general has put in place for direct reporting and accountability by the three governors to himself have shown that we will have a robust management system that will ensure the full accountability of all three institutions to headquarters. Progress has to be made on that basis, because it is the director

general's responsibility to deal with those operational issues.

## Magilligan Prison

5. **Dr McDonnell** asked the Minister of Justice to outline his plans for the rebuilding of Magilligan prison. (AQO 968/11)

**The Minister of Justice:** The Prison Service is presently completing the outline business case, which will address the redevelopment of Magilligan Prison. The outline business case will include the analysis of a number of options and will advise on the Prison Service's preferred option. I hope to receive a copy of the business case later this month.

**Dr McDonnell:** I thank the Minister for his answer. I put it to him that I am deeply concerned. Given the need to replace Magilligan, will he reassure the Assembly that public funding will be available to do so? Not only do we need to rebuild Magilligan, we need to rebuild a women's prison in some shape or form, and that is an even bigger demand. In the present financial circumstances, that is worrying. Will he inform us where we are or what we might have to do to ensure that those prisons can be built?

**The Minister of Justice:** I agree with Dr McConnell — sorry, McDonnell; I was confusing him with the director general of the Prison Service — that there are difficult issues that must be addressed. The reality is that priority for the Department's capital spending has initially to go to Desertcreat college, which is, of course, also meeting the needs of the Prison Service, and to forensic science facilities. However, there is capital allocation to be directed at the needs of the Prison Service. That is why it is so important to see the detail of the outline business case and to see in what way it is possible to fund the urgent necessity to provide fit-for-purpose accommodation to replace the outdated accommodation at Magilligan and, most importantly, to provide an appropriately sized and properly resourced facility for women prisoners to replace the operation at Hydebank Wood. Both are essential; neither will be easily funded in the current proposals. However, both remain on the list of matters that need to be addressed.

**Mr Campbell:** The Minister will be aware of the continuing deterioration of the fabric of



the estate at Magilligan, thus the need for the newbuild. Will he ensure that as much pressure and persuasion as possible is applied to ensure that that funding is in place so that the very good work that is done, particularly by prisoners out in the community before they are released, can continue under a much better regime?

**The Minister of Justice:** Yes, I will certainly continue to seek to secure those funds, and any assistance that Mr Campbell can give in pressurising his colleague the Finance Minister will be much appreciated. He rightly makes the point that Magilligan most recently underwent an inspection that showed it scoring three out of four in each of the four categories under which national inspections are carried out. The fabric of the building is what lets down the extremely good work that is done by the staff at Magilligan, in particular the good rehabilitation work being done in the Foyleview unit.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's answers. Will the Minister take appropriate steps to ensure that, whatever newbuild is established at Magilligan, it will be designed in such a way that it does away with waste? As we know from poor design in the past, the staff-to-prisoners ratio is far too high. We even have some prison staff getting up to an hour's extra pay a day to get on and off post, which is obviously a waste of public money.

**The Minister of Justice:** Mr McCartney makes an extremely valid point, although I fear that it goes slightly beyond the direct issue of the replacement of Magilligan. However, there is no doubt that part of the hampering of the prisons estate is the inappropriate builds at Magilligan and Maghaberry. There is a real need to ensure that we have buildings that are fit for purpose, provide proper facilities for rehabilitating prisoners and allow for proper supervision by prison officers without requiring excessive numbers of staff compared with other institutions on these islands.

## Probation Board

6. **Mr Gallagher** asked the Minister of Justice what steps he will take to safeguard the work currently carried out by the Probation Board, given that it might have to make 60 staff redundant. (AQO 969/11)

**The Minister of Justice:** All public services are facing pressures over the next four years. Inevitably, I have had to make very difficult decisions to prioritise spending to remain within the Department of Justice draft Budget allocation. The Probation Board has an important role in our justice system, and I value the expertise and focus that it brings to managing offenders and protecting the public.

I share the Member's concern that the proposed reductions could impact on front line staff. My officials are meeting the board to work through the budget proposals, particularly the phasing of its proposed savings. I also have limited scope to ease the Probation Board's financial position through rebalancing allocations in the wider criminal justice budget. I expect that that combined approach will lessen the impact of funding pressures on the Probation Board and significantly reduce the threat of possible redundancies.

**Mr Gallagher:** Does the Minister agree that the Probation Board provides good value for money and has been doing very useful work, particularly in reducing reoffending, and that, if up to 60 jobs were to go, much of that good work will be at risk?

**The Minister of Justice:** I certainly agree with Mr Gallagher about the good work that is done by the Probation Board, which is seen, as is our Youth Justice Agency, as a leading light in these islands compared with some other aspects of the justice system, such as prisons. He repeated the figure of a suggestion of a potential 60 job losses. I am making it clear that the work that we seek to do is very significantly seeking to reduce any threat to redundancies on anything like that scale. However, it is clear that, in our difficult financial circumstances, every part of the Department of Justice has to bear a share of the cuts.

**Mr O'Dowd:** Go raibh maith agat, a Cheann Comhairle. In some ways, the Minister has answered my question. However, it is worth pointing out that question 3 from Mr McQuillan states that the cost of reoffending is somewhere in the region of £80 million. Given the role of the Probation Board in reducing the number of people who reoffend and ensuring the rehabilitation of prisoners, surely investment in it will save the Department of Justice money in the long run.



**The Minister of Justice:** I make the point again that we are in difficult financial times and no part of the Department can be freed entirely from cuts. As we have looked at the budget allocation, we have sought to ensure that there is protection of front-line services as far as possible. The largest cuts in the Department are in back office services within the core of the Department, and we have sought to protect the budgets that apply both to grants from NGOs and to front-line services that are directly run by the Department and its agencies. That has not been an easy decision, and there have had to be cuts. We are seeking to reduce the effect, as is suggested by the Probation Board, of those cuts, and we are doing so successfully.

**Mr Kinahan:** The Minister has as good as answered my question, but I want to congratulate the Probation Board on its good work. Has he compared the cost of the likely increase in offending rates against the actual savings? He hinted at that, but has he actually compared the figures?

**The Minister of Justice:** Mr Kinahan is asking me to go further than is realistic at this stage. I am fully aware of the good work that is done by the probation service. As someone whose professional background is in social work, of course I would say that. However, that does not mean that, as Minister of Justice, I can automatically give the Probation Board or any other section of the Department a blank cheque.

## Community Safety Strategy

7. **Ms Lo** asked the Minister of Justice for his assessment of his Department's draft community safety strategy, 'Building Safer, Shared and Confident Communities'. (AQO 970/11)

**The Minister of Justice:** As Members will be aware, I launched the public consultation on a new community safety strategy on Thursday 20 January. The consultation paper sets out proposals that will contribute to creating safer, shared and confident communities over the longer term.

Much good work has been done in recent years to prevent and reduce crime and antisocial behaviour and to build communities that feel safe. I intend to build on what already works with evidence-based solutions that are tailored to the needs of local communities. I particularly want to use this opportunity to

start a conversation on how to reduce crime, address antisocial behaviour and ensure that Northern Ireland remains a safe place to live, work and play for everyone. Members will have seen advertisements in the local press for public consultation events across Northern Ireland. The first one takes place tonight in Craigavon. I take this opportunity to ask Members to encourage their constituents to go along to those events and to take part in that important debate.

I have no doubt that addressing community safety matters will involve working in partnership at all levels to provide local solutions to local problems. That partnership approach will be central to building safer, shared and confident communities. Underpinning all of that will be a focus on building a shared future, because I firmly believe that shared communities are safer communities. I hope that the consultation will enable the development of a strategy that will meet the safety needs of that community.

**Ms Lo:** I thank the Minister for his comprehensive answer. I am sure that he is aware of the risk that such a strategy could be seen as something for his Department to deliver alone. How does he intend to involve other Departments and agencies in the task of making our communities a safer place to live?

**The Minister of Justice:** That is an extremely valid point, which needs to be taken on board. As part of the process that led to the publication of the consultation paper, there was a wide range of discussions with interested groups, including NGOs, Departments and public agencies.

We have sought to ensure that there is full consultation across government. I certainly hope that some of the work that is done by the Department of Justice, for example in partnership with the Department of Health, Social Services and Public Safety or the Department for Social Development on disaffected young people, early intervention and hard-to-reach areas, can be carried forward into the community safety strategy generally, because there is no doubt that the Justice Department cannot solve the needs of a shared future and safer communities on its own.

**Mr Sheehan:** Go raibh maith agat, a Cheann Comhairle. When does the Minister expect the consultation to conclude? Will the proposed amalgamation of the district policing

partnerships and community safety partnerships assist in building safer, shared and confident communities?

**The Minister of Justice:** A standard length of time for consultation will be taken, which means that we will run into or very close to the election period.

In answer to the Member's second question, there is a real need to ensure that we build the new local safety partnerships and involve the existing work of the DPPs with that of the community safety partnerships. That will bring together those local people who have been discussing similar things in different formats over the years and will help to shape a wider community safety strategy by maximising partnership opportunities.

**3.30 pm**

**Mr Burns:** Does the Minister agree that effective localised community policing is the best way of ensuring a shared and confident future?

**The Minister of Justice:** I agree with Mr Burns that local community policing and the good work that is being led by the Chief Constable is a key part of the shared future. However, as I said earlier, we need to look to much wider partnerships, and not just to the Police Service, if we are to see the maximum benefits of a community safety strategy.

**Mr Speaker:** That ends Question Time. I ask the House to take its ease for a few moments while we move to the next item of business.

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

## Executive Committee Business

### Wildlife and Natural Environment Bill: Further Consideration Stage

#### Clause 1 (Duty to conserve biodiversity)

*Debate resumed on amendment Nos 1, 2, 3, 4, 5, 6 and 7, which amendments were:*

No 1: In page 1, line 4, leave out "further the conservation of" and insert

*"have regard to the purpose of conserving". — [The Minister of the Environment (Mr Poots).]*

No 2: In page 1, leave out line 17. — *[The Minister of the Environment (Mr Poots).]*

No 3: In clause 7, page 4, line 13, at end insert

*"(1) In Article 4 of the Wildlife Order (protection of wild birds, their nests and eggs) for paragraph (4) substitute—*

*'(4) In paragraph (3) "the relevant provisions" means the provisions of—*

*(a) this Part and of orders made under it,*

*(b) the Wild Birds Protection Acts (Northern Ireland) 1931 to 1968 and of orders made under those Acts,*

*(c) any other legislation which implements either of the Wild Birds Directives and extends to any part of the United Kingdom, to any area designated in accordance with section 1(7) of the Continental Shelf Act 1964, or to any area to which British fishery limits extend in accordance with section 1 of the Fishery Limits Act 1976, and*

*(d) the law of any member State (other than the United Kingdom) implementing either of the Wild Birds Directives.*

*(4A) For the purposes of paragraph (4) "the Wild Birds Directives" are—*

*(a) Council Directive 79/409/EEC on the conservation of wild birds; and*

*(b) Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds.:" — [The Minister of the Environment (Mr Poots).]*

No 4: After clause 14, insert the following new clause:

***“Possession of pesticides harmful to wildlife***

14A. After Article 15A of the Wildlife Order (inserted by section 14) insert—

*‘Possession of pesticides harmful to wildlife*

15B.—(1) A person who is in possession of a pesticide containing a prescribed ingredient shall be guilty of an offence.

(2) A prescribed ingredient is one which is prescribed for the purposes of this Article by an order made by the Department; but the Department may not make an order under this Article unless it is satisfied that it is necessary or expedient to do so in the interests of protecting wild birds or wild animals from harm.

(3) A person shall not be guilty of an offence under this Article if the person shows that the possession of the pesticide was for the purposes of doing anything in accordance with—

(a) regulations made under section 16(2) of the Food and Environment Protection Act 1985;

(b) provision made by or under the Poisons (Northern Ireland) Order 1976;

(c) the Biocidal Products Regulations (Northern Ireland) 2001 or any regulations amending or replacing those regulations; or

(d) the Plant Protection Products Regulations (Northern Ireland) 2005 or any regulations amending or replacing those regulations.

(4) In this Article “pesticide” means—

(a) a pesticide as defined by section 16(15) of the Food and Environment Protection Act 1985; and

(b) anything to which Part 3 of that Act applies, by virtue of section 16(16) of that Act, as if it were a pesticide.’” — [The Minister of the Environment (Mr Poots).]

No 5: In clause 23, page 15, line 13, at end insert “(aa) Article 15B.”. — [The Minister of the Environment (Mr Poots).]

No 6: In clause 28, page 16, line 31, leave out from “34” to end of line 36 and insert

“43(1) of the Environment Order (agreements concerning land adjacent to an ASSI) for ‘adjacent to’ substitute ‘which is not within’.” — [The Minister of the Environment (Mr Poots).]

No 7: After clause 28, insert the following new clause:

*“Public body: duties in relation to authorising operations*

28A.—(1) Article 40 of the Environment Order (public bodies: duties in relation to authorising operations) is amended as follows.

(2) In paragraph (6) before sub-paragraph (a) insert—

‘(aa) shall, in granting permission, impose conditions sufficient to ensure that the requirements set out in paragraph (6A) are complied with;’.

(3) After paragraph (6) insert—

‘(6A) The requirements are—

(a) that the operations are carried out in such a way as to give rise to as little damage as is reasonably practicable in all the circumstances to the flora, fauna or geological, physiographical or other features by reason of which the ASSI is of special scientific interest; and

(b) that the site will be restored to its former condition, so far as is reasonably practicable, if any such damage does occur.’” — [The Minister of the Environment (Mr Poots).]

**The Minister of the Environment (Mr Poots):**

I want to respond to a number of issues. The Chairman of the Committee for the Environment, Mr Boylan, raised the issue of guidance for the Ulster Farmers’ Union, and the Department will provide suitable guidance for the Ulster Framers’ Union on the voluntary agreements that are contained in amendment No 6. Mr Kinahan raised the issue of the penalties associated with offences, and I can confirm that those are a maximum of £5,000, a six months’ custodial sentence or both. I trust that that deals with that issue.

The main issue of debate was the biodiversity duty. I encourage Members to maintain rationality when we enter these discussions. This is about producing good-quality legislation for the people of Northern Ireland; it is not about trying to get one over on another political party or anything else. In the first instance, this is a significant improvement on what we have, and we should acknowledge that. It is a substantial step forward for biodiversity in Northern Ireland, and we need to recognise that. We also need to recognise that when we get qualitative advice, we should listen to it.

During the debate, a number of Members quoted from the letter from the biodiversity officers. If the full biodiversity duty were imposed, biodiversity officers would benefit significantly, because it might lead to a requirement for more biodiversity officers. Therefore, with the greatest of respect to the individuals involved, they would say that. If a full biodiversity duty were introduced, the job prospects for biodiversity officers would increase.

I received clear and explicit advice from the Attorney General on the potential for litigation that is not brought about by any desire to save the environment. For example, in the past three years, quite a number of cases have been taken against planning decisions. In fact, there was litigation against Invest Northern Ireland, which wished to open up new job opportunities in Strabane.

I caution the House that Members can go down a particular route and think that they will be very popular with people in various conservation groups and categories. However, they may not enhance biodiversity one iota and may seriously damage the prospect of more jobs coming to Northern Ireland as a result. I caution Members to think seriously before they go into the Lobby to vote against the amendment.

Opposition was not raised in Committee when those issues could have been dealt with and explained. The Committee made its views known at the time. Each of the parties is represented on the Executive, and none of the parties opposed the amendment. Members should be careful that this is not just about trying to give a Minister from another party a bloody nose, because it might not be me who has the bloody nose at the end of the day. It might be the people of Northern Ireland or Members' constituents.

**Mr McGlone:** Will the Minister give way?

**The Minister of the Environment:** I will indeed, but it might be Members' constituents who get the bloody nose and, as a consequence, it will be an assault on Members, not an assault on me.

**Mr McGlone:** I thank the Minister, and I am seeking a point of information from him. I do not dispute the fact that the Minister has received advice from the Attorney General. I do not know whether that advice was sought or given as a consequence of consultation, nor do I know what the actual advice was — nor, I presume,

does any Member in the Chamber. We are heavily reliant on the Minister's interpretation of what that advice was, the question sought and whether it was sought. Also, I do not know, and perhaps the Minister will share the information with us, whether that advice was shared with other parties at an Executive meeting when the legislation was brought forward.

**The Minister of the Environment:** I thank the Member for his very valid points. Now that we have our own Attorney General, legislation is washed through the Attorney General's office for his advice. When we go down that route and receive specific advice, the Executive may take a decision not to proceed on the basis of that advice, although that would be more unusual than the common practice. In this instance, the advice that I was given, and which is available to all on the Executive, was that this could create the opportunity for vexatious litigation. I do not want to take Northern Ireland down that route. I want to improve and to increase biodiversity, and the Department has sought to improve that at all times. We are doing that through the Bill. However, I am concerned that we go a step further than is required, which is where the Department was going until it received the advice to draw back a little because of the problem that I spoke about.

That is the issue at stake. It is not in any shape or form designed to weaken or undermine the biodiversity duty. It is about having something that is sustainable for biodiversity and is also sustainable for sustainable development. That is where the crux of the issue lies.

Councils will also be given guidance on biodiversity issues. It will not only be about what is being dealt with today. There will be follow-up work with councils.

I have made my case, and I trust that the Assembly will heed it. If it is found that the legislation is not good enough and it does not work, there will be a fallback position. The DOE is planning to introduce other legislation in the next Assembly term, and there is other legislation that the issue will fall into.

It would require primary legislation to change it, but there are other legislative procedures in the next Assembly term that, if we find that the significant step that we have taken on biodiversity is not large enough and is not taken, will provide fall-back position. However, I do not believe that to be the case. If we go



down the other route and find that we face a lot of litigation, there will be no fall-back position other than to go back and change the legislation completely.

I offer my views to the House. I trust that they will be taken on board. There is nothing cynical about what we are doing. We are acting on the best advice available to the Northern Ireland Executive. Thank you very much.

*Question put, That amendment No 1 be made.*

*The Assembly divided: Ayes 30; Noes 51.*

## AYES

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

*Tellers for the Ayes: Mr Bresland and Mr Ross.*

## NOES

Ms M Anderson, Mr Beggs, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Doherty, Dr Farry, Mr Gallagher, Mrs D Kelly, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Mr McCarthy, Mr McCartney, Mr B McCreagh, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Neeson, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Mr K Robinson, Mr Savage, Mr Sheehan, Mr B Wilson.

*Tellers for the Noes: Mr Burns and Mr Molloy.*

*Question accordingly negatived.*

*Amendment No 2 made: In page 1, leave out line 17. — [The Minister of the Environment (Mr Poots).]*

## Clause 7 (Defences in relation to offences under Article 4)

*Amendment No 3 made: In page 4, line 13, at end insert*

*“(1) In Article 4 of the Wildlife Order (protection of wild birds, their nests and eggs) for paragraph (4) substitute—*

*‘(4) In paragraph (3) “the relevant provisions” means the provisions of—*

*(a) this Part and of orders made under it,*

*(b) the Wild Birds Protection Acts (Northern Ireland) 1931 to 1968 and of orders made under those Acts,*

*(c) any other legislation which implements either of the Wild Birds Directives and extends to any part of the United Kingdom, to any area designated in accordance with section 1(7) of the Continental Shelf Act 1964, or to any area to which British fishery limits extend in accordance with section 1 of the Fishery Limits Act 1976, and*

*(d) the law of any member State (other than the United Kingdom) implementing either of the Wild Birds Directives.*

*(4A) For the purposes of paragraph (4) “the Wild Birds Directives” are—*

*(a) Council Directive 79/409/EEC on the conservation of wild birds; and*

*(b) Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds.” — [The Minister of the Environment (Mr Poots).]*

## New Clause

*Amendment No 4 made: After clause 14, insert the following new clause:*

### **“Possession of pesticides harmful to wildlife**

*14A. After Article 15A of the Wildlife Order (inserted by section 14) insert—*

*‘Possession of pesticides harmful to wildlife*

*15B.—(1) A person who is in possession of a pesticide containing a prescribed ingredient shall be guilty of an offence.*

*(2) A prescribed ingredient is one which is prescribed for the purposes of this Article by an order made by the Department; but the Department may not make an order under this Article unless it is satisfied that it is necessary or expedient to do so in the interests of protecting wild birds or wild animals from harm.*



(3) A person shall not be guilty of an offence under this Article if the person shows that the possession of the pesticide was for the purposes of doing anything in accordance with—

(a) regulations made under section 16(2) of the Food and Environment Protection Act 1985;

(b) provision made by or under the Poisons (Northern Ireland) Order 1976;

(c) the Biocidal Products Regulations (Northern Ireland) 2001 or any regulations amending or replacing those regulations; or

(d) the Plant Protection Products Regulations (Northern Ireland) 2005 or any regulations amending or replacing those regulations.

(4) In this Article “pesticide” means—

(a) a pesticide as defined by section 16(15) of the Food and Environment Protection Act 1985; and

(b) anything to which Part 3 of that Act applies, by virtue of section 16(16) of that Act, as if it were a pesticide.’ — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

### Clause 23 (Penalties)

**Mr Deputy Speaker:** Amendment No 5 is consequential to amendment No 4.

Amendment No 5 made: In page 15, line 13, at end insert

“(aa) Article 15B,” — [The Minister of the Environment (Mr Poots).]

### Clause 28 (Management agreements)

Amendment No 6 made: In page 16, line 31, leave out from “34” to end of line 36 and insert

“43(1) of the Environment Order (agreements concerning land adjacent to an ASSI) for ‘adjacent to’ substitute ‘which is not within’.” — [The Minister of the Environment (Mr Poots).]

### New Clause

Amendment No 7 made: After clause 28, insert the following new clause:

#### “Public body: duties in relation to authorising operations

28A.—(1) Article 40 of the Environment Order (public bodies: duties in relation to authorising operations) is amended as follows.

(2) In paragraph (6) before sub-paragraph (a) insert—

‘(aa) shall, in granting permission, impose conditions sufficient to ensure that the requirements set out in paragraph (6A) are complied with;’.

(3) After paragraph (6) insert—

‘(6A) The requirements are—

(a) that the operations are carried out in such a way as to give rise to as little damage as is reasonably practicable in all the circumstances to the flora, fauna or geological, physiographical or other features by reason of which the ASSI is of special scientific interest; and

(b) that the site will be restored to its former condition, so far as is reasonably practicable, if any such damage does occur.’ — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

### Clause 36 (Hare coursing)

**Mr Deputy Speaker:** We now come to the second group of amendments for debate. With amendment No 8, it will be convenient to debate amendment Nos 9, 10 and 13 to 15. These amendments deal with the licensing of hare coursing, additional offences associated with coursing and some repeals due to the insertion of clause 36 at Consideration Stage.

4.00 pm

**Mr Molloy:** A LeasCheann Comhairle, I beg to move amendment No 8: In page 20, line 38, at beginning insert “Subject to section 36A,”.

The following amendments stood on the Marshalled List:

No 9: In page 21, line 2, at end insert

“(e) nets hares for the purpose of a hare coursing event,

(f) transports hares for the purpose of a hare coursing event, or

(g) holds hares for the purpose of a hare coursing event.” — [Mr Weir.]

No 10: After clause 36, insert the following new clause

“Licensing of hare coursing events

36A.—(1) Section 36 does not apply to a hare coursing event arranged under and in accordance with a licence granted by the Department.

(2) A licence under subsection (1)—

(a) may be granted only to a particular person; and

(b) shall be subject to compliance with a code of practice published by the Department.

(3) The Department shall not license any more than two events in any calendar year.

(4) The Department may charge for the licence such reasonable sum (if any) as it may determine.

(5) The Department shall publish a code of practice in connection with hare coursing events.

(6) The code of practice under subsection (5) shall include—

(a) a requirement that every hare coursing event be attended by a licensed veterinary surgeon; and

(b) requirements as to standards to be observed in the practice of hare husbandry.

(7) Applications for a licence must include such information as the Department may require.” —  
[Mr Molloy.]

No 13: In schedule 2, page 28, line 28, leave out “7A(1) and 7D(4)” and insert “and 7A(1)”. — [The Minister of the Environment (Mr Poots).]

No 14: In schedule 3, page 32, line 22, at end insert

“PART 3

HARE COURSING

Short Title	Extent of repeal
<i>The Game Preservation Act (Northern Ireland) 1928 (c. 25)</i>	<i>In section 7(2) paragraph (b) and the word ‘or’ immediately before it.</i>
<i>The Control of Greyhounds etc. Act (Northern Ireland) 1950 (c. 13)</i>	<i>Section 7D(4). Section 5(2).</i>
<i>The Wildlife (Northern Ireland) Order 1985 (NI 2)</i>	<i>In Schedule 12, paragraph 3.</i>

Short Title	Extent of repeal
<i>The Game Preservation Act (Northern Ireland) 1928 (c. 25)</i>	<i>In section 7(2) paragraph (b) and the word ‘or’ immediately before it.</i>
<i>The Control of Greyhounds etc. Act (Northern Ireland) 1950 (c. 13)</i>	<i>Section 7D(4). Section 5(2).</i>
<i>The Wildlife (Northern Ireland) Order 1985 (NI 2)</i>	<i>In Schedule 12, paragraph 3.</i>
<i>The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (NI 11)</i>	<i>In Article 2(2), in the definition of ‘bookmaker’s licence’, the words “or coursing”.</i>
<i>The Game Preservation (Amendment) Act (Northern Ireland) 2002 (c. 2)</i>	<i>Section 1(4).”</i>

— [The Minister of the Environment (Mr Poots).]

No 15: In the long title, leave out “and amend” and insert

“; to prohibit hare coursing events; to amend”. —  
[The Minister of the Environment (Mr Poots).]

**Mr Molloy:** I support amendment Nos 8 and 10 and oppose the other amendments in the group. The purpose of the amendments is to regulate hare coursing. Although a total ban on hare coursing was proposed during the last stage of the Bill, we know that that will not happen. Across the water in England, Scotland and Wales, the number of illegal activities has increased since the ban came into operation. It was counterproductive. My proposed amendment would ensure that proper regulation is in place so that two events could be held each year that would be licensed by the Department and with its agreement. A licence would be drawn up that would include strict regulations on how the events would operate. Having two regulated events in a year is better than having any number of unregulated events across the countryside.

I also wish to point out the effects that the issue has had on the hare population. There has been all kind of scaremongering about the hare population, but a source at Queen’s University has indicated that we have a greater number of hares now than we have had since 2002, when the partial ban came into operation. The basis of the argument that some groups

have maintained, which is that there is currently a very small number of hares, flies in the face of the proposals that have been made about the protection of hares in a different way.

**Dr Farry:** As interesting as the Member's point about the number of hares may be, does he accept that it is utterly irrelevant to the issue, which is essentially one of cruelty to hares? It is a sport that serves no purpose whatsoever and which is rejected by a vast number of people. The issue of the number of hares is utterly irrelevant to what most people think.

**Mr Molloy:** I do not accept that, because I do not know where this vast majority of people that the Member mentioned comes from. That has not been reflected in the information that I have picked up. A small number of people use the issue of cruelty as a target. We saw how the hunting issue was dealt with very effectively by this Assembly, and there is also the issue of hare coursing.

To go back to the nature of hunting; we have very casual hare hunts across rural areas. The hounds pick up a scent and wander about wherever the hare may take them. The hare is a very clever animal in that regard. It is not along the lines of going in for the kill, as has often been described. What actually happens is more of a leisurely stroll than anything else.

The coursing events that we are talking about should be licensed events. The Queen's University study clearly identified that more hares were killed around the airport and during farming activities. If we look at the ratio and the numbers, we can see that the bad weather has had more of an effect on the hare population than nearly anything else. That is because the late cutting of silage has meant that the hare population has survived and been able to develop and grow in rural areas. That is maybe an area that we should look at, but, no, Dr Farry does not consider it at all cruel to wipe out an entire hare population by cutting silage earlier, because that benefits the farmer. We have to consider what we are talking about.

There is no cruelty in the coursing events that I am talking about because the course is set, the dogs are muzzled and there is an escape route for the hare. Despite what some people suggest, the hare is not trapped and is not savaged and killed by dogs. That may have been the image of coursing that was put across 20

or 30 years ago, but in the modern version of coursing the hare is protected.

The coursing event at Clonmel is probably one of the best in the South of Ireland. It brings in the region of £16 million to £20 million to that area. The people who attend that event and coursing events in general come from all walks of life and backgrounds, and they have a particular interest in that campaign. Regulation and control in this country could lead to a legal and regulated event like Clonmel that encourages people to come here.

The coursing clubs are very much involved in the protection, rearing and immunisation of hares. They want a very lively and healthy hare, and they want to be able to provide a course for the greyhounds to run after it. There is very clear protection of the hare. The coursing clubs that have been involved over the years have developed that protection.

Although it has been said that it is irrelevant, it is interesting to note that the hare population in the areas in which coursing takes place is 18 times greater than in areas in which there is no coursing because the local people who are involved in the coursing events look after hares and protect them from predators. They design the events so that they control the welfare of the animal, whereas, at the moment, and as has been the case over the past number of years here, there is no reason why people who are involved in coursing should talk to the local farmer about why he should not cut a crop of silage. Nevertheless, they point out that there are a number of hares in the area and that he should watch out for them, protect them, identify them and leave them space to grow up. There are various ways in which the coursing clubs have been involved in the protection of hares, including the development of a strategy so that the hares can be protected.

Socio-economic benefits are partially what we are talking about, but illegal activity is another issue. As I said, that has been operating across England, Scotland and Wales. Activity has been unregulated, so everyone does what they want to, which has had a detrimental effect on the hare population. Poaching is one of the biggest animal welfare crimes in England, Scotland and Wales over the past number of years, and we need to see the possibilities and dangers that are attached to an outright ban of this type of coursing. Small-scale criminals may be involved

in coursing for personal gratification if it is not regulated, and large-scale groups of individuals could be involved in financial gains from the gambling around it. We want to see regulation and control to make sure that coursing is managed properly.

A proposed ban was thrown in at the last minute the last time. If the Bill proposes to ban coursing completely, it will go unregulated. In addition, nothing will be put in place to ensure the protection or growth of the hare population. The Departments will not be able to do anything. The Department of Agriculture and Rural Development or some other Department will have to take on that role.

Therefore, instead of coursing bringing money into the North, putting in place a system of protection to deal with the hare population is likely to cost the Department of Agriculture and Rural Development in the region of £10 million. The people involved in coursing could do it instead. Coursing clubs have created an environment in which a controlled mechanism ensures that there is a healthy hare population to benefit the clubs.

Some will say that clubs rear hares merely to course them. However, it is interesting to note that only 1% of hares coursed at an event, which might take place over a whole weekend, die as a result of being coursed, and that is a lot fewer than the number that die as a result of problems arising from farming methods and as a result of normal things that happen in the animal population. The events organised by coursing clubs actually conserve hare populations. At the moment, nothing in the Bill details how wildlife will be protected, other than by people looking after it, which is what happens in coursing. Coursing, therefore, is a means by which to create the environment and conditions in which to rear and protect hares so that they can be coursed at an event. Indeed, should amendment No 8 be made, the Department would have control over that, because there would be a maximum of two events a year. It would be up to the Department to decide how many events there are, because legislation would be in place to control and manage coursing.

With my amendment, I am trying not to have a blanket ban introduced, because it would not work, and illegal coursing would continue to thrive and develop. In addition, the economy would not lose all the benefits derived from

coursing events. If coursing were to be banned here, the events would simply be moved across the border. Consequently, resources and funding would benefit the Southern economy. As a republican, I have no problem with the Southern economy benefiting. However, in an all-Ireland context, the economy here could also benefit.

**Mr Wells:** I am not sure how much of what the Member for Mid Ulster is saying is his true opinion. Am I right to think that he has been heavily whipped on this matter by a certain TD from Kerry, who has made it very clear that his party must, at his volition, demand the retention of hare coursing? It is important that, throughout his contribution, the Member remember exactly what he is purporting to support. I do not know whether he genuinely does support it. He is suggesting that it is right in a civilised society for people to watch and place bets on the fate of a hare being ripped to pieces or killed by greyhounds wearing muzzles in an enclosed space.

A clear decision was taken on the issue the last time that it was debated, in June 2010, when the Assembly voted overwhelmingly to consign this barbaric practice to the annals of history. I take it extremely ill that, having taken that decision, the Member is attempting to thwart the Assembly's view in a free vote by bringing in his amendment. It does not matter how he fashions it or tries to sanitise what he doing — he is saying that it is right for people to enjoy publicly the fate of a defenceless animal.

Furthermore, this has nothing to do with the defence of field sports. There is a world of difference between what he is supporting and bona fide field sports, because the animals in question are, in effect, in captivity. They have no escape and are caught for the sole purpose of being coursed. I have been to Crebilly to see exactly what happens, and I have to tell him that the screams of the hare that was being ripped to pieces that Boxing Day will stay with me for the rest of my life. This is not a battle between respectable field sports and others; it is a battle to retain something that should have been banned centuries ago. It is only an accident of history, owing to various Assemblies and Parliaments falling, that it has not been banned already. The Member cannot be allowed to thwart the decision already taken. We do not want that sport in Northern Ireland, either now or in the future.



**Mr Molloy:** I thank the Member for his intervention. I was wondering how long it would take to draw him out on that one. At least he got to the chase. First, there is no evidence of hares being slaughtered. Dogs are muzzled, and it is a long time — 29 years — since those events took place at Crebilly.

I would join you in condemning that type of activity, if it were happening, but you then brought in self-control —

**4.15 pm**

**Mr Deputy Speaker:** Order. The Member should well know that the only “you” in the Chamber is the Speaker or the Deputy Speakers. Would the Member please refer all his remarks through the Chair?

**Mr Molloy:** My apologies, a LeasCheann Comhairle, I should have known. Mr Wells approached me in a personal way, so I responded in a personal way. However, there is no evidence, Mr Deputy Speaker, that hares are slaughtered in that way. For one, the hare could not be slaughtered in that way because the dogs are muzzled. Let us throw away the idea brought up by the League Against Cruel Sports and the rest of them of hares being thrown around, dragged apart and all the rest of it. In reality, that does not happen.

Were the Member to visit Clonmel more recently, and I am sure that someone associated with coursing there will bring him down to show him what —

**Mr Wells:** First, I have no intention of going abroad to watch any sporting match anywhere in the Republic of Ireland. I have seen enough of it on television and read enough about it in various Irish press reports to know exactly what is going on.

However, through the Deputy Speaker, I ask the Member a personal question: does he believe a word of what he is saying, or is he being whipped by a Mr Ferris from Kerry? Will he also tell me the views of the Minister of Agriculture and his colleague Mr Mitchel McLaughlin on this issue? I understand that they have deep personal reservations about what Mr Molloy is suggesting. They do not want the amendment, but such is the power of that TD in that foreign country that he is able to crack the whip and all of the MLAs up here jump into line and support him. I do not believe that he has even the

majority of his party behind him on this issue, because they know that the reality is that hares are killed at coursing events, even when dogs are muzzled. There have been many examples of that happening. Hares are battered to death by the greyhounds, and they have no way of escaping. It is not a field sport such as fox hunting or stag hunting. The hares are not in their natural habitat and they are coursed purely for public enjoyment and betting.

**Mr Molloy:** A LeasCheann Comhairle, I again thank the Member for his intervention. However, if he had allowed me a little more time, I was coming to his previous point about the whip. There is no whip long enough from Kerry to here, or even a shorter one, to whip me into place on this issue. There is no problem about my credentials on this matter. I support coursing. I support rural sports in their various forms, and I think that the Member has been misled and misguided by television documentaries and other evidence. I advise him that he should not be led by the nose by the media, because sometimes they will lead him the wrong way. There is no question whatsoever: this is my motion on hare coursing on behalf of the party. It has party support. It has gone through our own ard fheis, so it has party support across the island of Ireland. There is no question mark over its origin.

The Member repeated the accusation that hares are slaughtered and savaged. If a muzzled greyhound can do that, it is a more powerful animal than I thought. The reality is that that does not happen. It is a myth, created through scaremongering over the years. The Clonmel event is not in a foreign country; it is just across the border, in the South of Ireland. The Member is free to travel there without any problem. I would willingly accompany him.

The issue here is the Irish Government and the regulations in the South. The Green Party thought that they would tamper with this in the South of Ireland. Thankfully, the Green Party is over and it has been completely sidestepped, so that legislation will not come about there. TDs in the South of Ireland spoke out on behalf of the community in various ways, one of which was in regard to rural sports and the enjoyment people get from them. We could look at horse racing or any event whatsoever, and ask what right any human being has to use an animal to the point of exhaustion. If we look at the winner of the Grand National, or the race itself and the



number of horses that are killed in it; do we next ban the Grand National? Look at the exhaustion and the sweat that pours off the horse that wins the Grand National. We could say that that is an example of human beings using an animal for their satisfaction.

We can take this to whatever limit the Member wants. I know that the Member's thinking is that, if he can get hare coursing and hunting banned, his next line will be to ban fishing because fish are killed. Where would it stop? Could we kill mice? Could we kill rats? If the Member really believes in the line that he is taking, he would ban everything through which animals may be killed. Maybe that is the sort of route that he wants to go down.

He said that the previous motion had the support of the House. I do not think that it had. The machinery that night was that a lot of Members had gone home, and a lot of issues had been debated during a very long debate. Unfortunately, no one moved, as Lord Morrow did during the Hunting Bill debate, to kill the debate off, and so it went on until most Members had left and a small number remained in the Chamber. Any of us who have hung about Committees, any and all and different meetings over the years will realise that one way to get a motion through is to drag it out as long as possible so that you get what you want.

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

**Mr Molloy:** I will give way to you.

**Mr Ross:** The logic of the Member's argument is that he is bringing forward the amendments because the vote was not fair on the previous occasion. Is he saying that he is bringing forward the amendments today because his party colleagues could not be bothered to stay about for a vote?

**Mr Molloy:** I do not know. It was not only my party colleagues. A number of parties were small in numbers that night by the time it came to the vote. However, that is not the reason —

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

**Mr Molloy:** No; I will not.

**Mr Wells:** It will be the last time.

**Mr Molloy:** OK.

**Mr Wells:** Never believe a politician. Some of Mr Molloy's party's members briefed the media to

say that they did not stay behind because they could not stomach being asked to do what he was asking them to do in June, namely support a barbaric practice. Let us use the analogy of fishing. The correct analogy is putting fish into a fish tank and fishing out of a very small controlled and enclosed area, not in the natural environment. We are not talking about hunting in open countryside; we are talking about the Irish version of park hare coursing, which is done in an enclosed space. That is the difference. They do not have their natural habitat in which to escape, and that is why that sport is utterly indefensible.

**Mr Molloy:** I am glad that the Member came back to that; I had forgotten to raise that issue again. The Member said previously that the hare was confined and had no escape. The reality of coursing is that the hare has an escape route that only it can get through. The hare is around that course so many times in training and other situations that it probably knows the quickest way out. There is very clearly an escape route for the hare. So, it is protected in that way, and the course is not, as the Member described it, a pen where there is no escape for the hare and where it eventually has to be caught and killed. That is not the reality. In fact, the hare puts a scent around the course, the greyhounds follow it, and the hare escapes and goes on ahead. The hare has been protected and vaccinated, and, as the coursing fraternity wants, all the different processes enable the hare to be healthier and to live a long life.

Let us correct the different myths that the Member raised. He said that the hare cannot escape; that is not reality. He said that the hare will be savaged; that is not reality. The Member needs to learn about the new techniques, and that is one of them. Furthermore, the hare is vaccinated, protected and grown in that way, and the main issue is that the hare population in the areas where coursing takes place is larger, healthier and protected. So, the myth that the Member has tried to put across is not reality. That is where we are at the present time, and no matter how long I talk, I will not change that Member's point of view.

The Member said that members of my party briefed journalists about the vote on the previous debate. If they were not here to vote, they were not here to brief the press either. So, that is another myth that he throws up as a scare tactic to suggest that nobody is

behind the amendment. However, we will find out when it comes to the vote, because that is when Members have the opportunity to decide. I hope that all Members, particularly those from rural communities, will protect the rural way of life and rural sports and will give people the opportunity to develop tourism and the economy.

**Mr McGlone:** Can the Member clarify for me the actual regulation by the Department of his two proposed licensed events? Presumably that regulation would cover issues such as control of animal welfare and the like, as well.

**Mr Molloy:** Yes, by all means. It is part and parcel of, and is actually mentioned in, the proposed amendment. Part of the whole thing would be the welfare of the animals and the design of the course itself in a way that protects the hare and gives it an escape route. If we start to develop that, instead of allowing a pile of illegal activities to happen without any control mechanism, then that will be where it will actually go.

We have an opportunity here to regulate, to control and to manage. We have an opportunity to build the rural economy, allowing the tourism business to bring in the people who actually want to come to these events, instead of them only being available in the South of Ireland. We have the possibility of hares being poached here to take to events in other places. The legislation might say no; Mr Weir's proposal is that we ban the collecting and transporting of hares. That may be in the legislation, on this bit of paper. However, we all know that regulation does not control activities in that particular way. We want to have realistic legislation that allows it to happen and develop and manages it.

The economy of the North of Ireland can benefit in a great way if we can develop the economy of the rural community as an opportunity for people to come into this country to enjoy rural sports, to develop them and build an economy around them, and also to give protection to the hares and other animals and wildlife. Go raibh maith agat.

**Mr Weir:** I will deal with the six amendments in this group, because there is a linkage between the various amendments. Obviously, there is a danger that we rerun the debate that we had some time ago at Consideration Stage on the general issue of hare coursing. Clearly, the procedures of the Assembly are such that

once a decision has been taken, it cannot be overturned at Further Consideration Stage. However — this may be the only compliment that I throw to him — the Member opposite has been extremely inventive in getting around that. Clearly, Mr Molloy and others are strongly in favour of hare coursing. That is their position. He has found a legitimate mechanism to try and reopen the debate, to have a second line of defence on the issue.

I will come to the substance of some of the things that Mr Molloy said in a minute or two. I gather that Alastair Campbell is in Belfast today to launch his new book; in terms of some of the spin that Mr Molloy has put on things, Mr Campbell might have been better to come to the Public Gallery, because some of the lessons in spin would have put New Labour to shame. I commend Mr Molloy on his inventiveness in that regard.

The amendments are interlinked in many ways. My amendment — No 9 — and those of the Minister — Nos 13, 14 and 15 — have a similar direction of travel. Mine supplements and adds to what was put in place in relation to the proposed ban on hare coursing that went through at Consideration Stage and seeks simply to tighten it up further and ensure that there are no loopholes. There is an argument that some of the proposals are things that are, to a certain extent, already covered, but this will help to clarify the situation and tighten it. Similarly, the Minister's amendments, which he will speak to himself, are largely consequential amendments on the issue of hare coursing. On the flip side of the coin, it seems clear that a diametrically opposite position is being put forward. Mr Molloy's amendment Nos 8 and 10 clearly try to widen the loophole and allow a regulated practice, as he would put it, of two meetings a year. They are two sides of the one coin.

I should like to deal with some of the things that have been said by Mr Molloy. The idea that this is about promoting conservation, and that there is no cruelty involved, I find slightly preposterous.

At Consideration Stage, I used Mr Boylan and Mr Bell as the example, and I will again use a cross-community example so that I do not offend anyone. We are told that hare coursing is not cruel, but what if, in the Chamber, hounds were released on Mr Molloy, the proposer of the amendment, and on my good friend Mr Bell, who takes a somewhat divergent line on the issue,

and they were told not to worry because there was an escape route as we were leaving one of the Doors open for them?

**4.30 pm**

**Dr Farry:** Will the Member give way?

**Mr Weir:** I will give way in a second. As the large dogs were chasing down Mr Molloy and Mr Bell, they could be assured that not only was there an escape route but that the two of them should not worry because it was for their own conservation, and we were simply looking after their best interests. Indeed, Mr Molloy indicated that the hare is an intelligent creature. Perhaps, from birth, it aspires to be part of some sort of hare Olympic team. It must think that, if only it could get onto the hare course, its chances of surviving into the future would be better and that it would have a much better life. Again, that is a degree of spin.

**Dr Farry:** I am almost apologetic for interrupting the Member's flow of puns. Given that the DUP has attacked Sinn Féin for its clear whipping on the issue and given Mr Bell's forthcoming views, does the party have a view on the matter or will it have a free vote?

**Mr Weir:** Unlike the party opposite, we have some conscience on the issue. We are not setting the Rottweilers after our Members, so if Mr Bell wishes to go into the opposite Lobby, he is more than welcome to do so. We will not force people into the Lobbies against their will on this issue. During the previous debate on hare coursing, we found that, of the DUP Members who voted, two — Mr Bell and the late lamented Mr Shannon — supported hare coursing and the rest of the DUP Members who voted were against it. There is no Whip on the issue, so a Martin Ferris character is not lurking in the background of the DUP to tell us what to do. We will leave it to the common sense of our Members.

**Dr Farry:** I am greatly relieved that there is a free vote in the DUP and, more importantly, that the DUP has a conscience.

**Mr Weir:** I am glad that I have been able to satisfy the Member on both points.

I will deal with some of the other issues. Mr Molloy is right on one point: the issue has very little to do with hare numbers. Whether or not there is a ban will not make a massively significant difference. It may deal with it in a

different sphere. The Department's approach led to the increase to the healthy numbers of hares, particularly the use of special protection orders.

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

**Mr Weir:** I will give way in a minute or two.

Consequently, we have a healthy hare population, so the issue is not about the effect on hare numbers but about what we believe to be right for our society.

**Mr Bell:** The Member raised the issues of hare numbers and the health of the population. It is important that we concentrate our minds on the facts. The issue of animal cruelty was raised, and we heard of hares being torn apart. All the evidence shows comprehensively that, in 99% of cases, dogs are muzzled and that only on rare and exceptional occasions can a greyhound damage a hare by knocking it with a muzzle. We are not talking about animal cruelty, and that issue needs to be looked at.

Secondly, research by Quercus at Queen's University shows that, in the Irish Republic, where there was clear monitoring of the health and vitality of the hare, the population was healthier by some 18% than the population here, the animals would always be provided with a means of escape and that means of escape also mandated those who were undertaking activity to ensure that the hare was rehabilitated back into the countryside and could go on to live the rest of its natural life.

People may take views on whether some countryside sports should be allowed, but they should take them on the basis of evidence. The evidence is that the health of the animal is protected by some 18%. The evidence base for that comes from Quercus research, which shows that dogs are muzzled and that the hare population is healthier in the Republic of Ireland, where those activities are allowed.

**Mr Weir:** I thank the Member for his remarks, but I do not necessarily accept some of them. I do not think that there is a great deal of concrete evidence for some of them. A number of years ago, hare levels were quite low in Northern Ireland. That is why successive Ministers have taken special protection measures over the last few years, which have led to a large increase in the numbers of hares.

Hares have an escape route in the South. They can come to the blue skies of Ulster rather

than the grey skies of the Republic of Ireland. If another jurisdiction wants to engage in barbarism, they are more than welcome to, but let us not impose barbarism here. The argument that this is not barbaric or cruel does not hold water. If the Member is happy for me to set the hounds after him, muzzled or not, let us see his reaction. If the Member does not regard that as being cruel, he may have a slightly warped sense of logic.

The thinking behind Mr Molloy's amendment is that there will be illegal activities without it. People will simply flout the law, and criminals will come in. I do not know which areas Mr Molloy is referring to, but I hope that such activities will not take place in any of the areas that I represent. However, his logic is that there is a vast empire of criminals who will exploit the situation but who will be perfectly happy to abide by the law if two events are organised for them. These are people who are going to flout the law and hold illegal meetings, presumably principally for the purposes of gambling. Let us face it, hare coursing is not about the aesthetic beauty of the dog chasing the hare; it is about gambling. That is really what is at the heart of it. When Members vote, it will be interesting to see whether they bear that in mind.

However, the idea that criminal behaviour will in some way —

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

**Mr Weir:** No, I think that I have heard enough from you for the moment. *[Laughter.]* The idea that there will be an explosion in criminal behaviour if hare coursing is made illegal but that the same criminal elements will be perfectly satisfied with two regulated events beggars belief. The Member told us that, if we ban hare coursing totally, the principal problem will be illegal activity that will be unregulated. Quite frankly, that can be applied to the logic of the legalisation of heroin, crack cocaine, prostitution, dogfighting and bear-baiting. The idea that something illegal will happen if something is not regulated and made legal —

**Mr Molloy:** Will the Member accept that an alternative can be put in place to regulate the situation? We talked about the 2,000 incidents of wildlife crime and poaching of the hare population in England, Scotland and Wales. That is the greatest increase in crime since the banning of coursing in England, Scotland and Wales, and it is steadily increasing. If

it is possible to protect us from that and to stop such crime happening here, is it not part of the Minister of the Environment's role to put measures in place to try to control the situation?

**Mr Weir:** It is a somewhat facile argument to say that we will cut down the crime figures by making everything legal. That is the logic of your position. The idea that any illegal activity would suddenly stop if there were two regulated events a year beggars belief.

Finally, I turn to the argument about tourism. I often meet people coming off the aircraft at Belfast City Airport and at Aldergrove, but I have yet to hear someone say that they are coming to Northern Ireland for the hare coursing and to see the dogs chasing the hares. A work of fiction is being produced in connection with the issue. There is this idea that Northern Ireland will become some kind of Mecca. Why not have gladiators fighting in the ring? I am sure that we could draw in the crowds. We could fill our football stadiums. Does that necessarily make it right? No, it does not.

The Assembly took a decision —

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

**Mr Weir:** I am happy to give way to the Minister.

**The Minister of the Environment:** It has been argued that hare coursing would be of major benefit to the Irish economy. Had Brian Lenihan known that, he would not have had to make cuts — their economy would have been so much stronger as a result of the hare coursing events that are going to take place there because of a decision of this Assembly.

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

**Mr Weir:** No. I need to respond to the Minister's point. It has to be said that, clearly, the Republic of Ireland missed a trick. Had they embraced hare coursing a great deal more, an international loan to bolster the Irish economy would simply not have been necessary.

The legislation has not been enacted. Therefore, even at this late stage, if there is a major boost to be had to the Southern Irish economy from hare coursing, let them have it down South. Let us be generous and give them that present. At least, by fully banning hare coursing, we will have made our contribution to the economy



down South as other parts of Europe have done. Let us make our contribution to bolster the Republic of Ireland's economy. Let us give them that gift. If people want to indulge in barbarism and animal cruelty down South, they should feel free. However, it should not apply up here.

Mr Molloy's amendments and, on the flipside, the corresponding amendments in group 2, clarify the position in either direction. I urge Members to support amendment Nos 9, 13, 14 and 15. I will give way to Mr Bell if he wishes to make one final comment.

**Mr Bell:** I appreciate that. I did not intend to speak because I issued most of the questions. You posed some serious questions. One related to gambling, to which I have a strong aversion. I cannot let that go unchallenged. You asked the question, so I will answer it. I have never so much as bought a lottery ticket —

**Mr Deputy Speaker:** Order. Please refer all your remarks through me.

**Mr Bell:** Through you, Mr Deputy Speaker: I was asked whether I would take gambling into consideration. I have never gambled in my life. I have never so much as bought a lottery ticket or participated in any form of gambling. I do not suppose that some Members who pose that question would ask it to themselves.

The second issue relates to barbarism. It is interesting that people will argue that it is entirely permissible and not barbaric to stick a hook into a fish's mouth that will trap it and prevent it from getting free no matter how hard it struggles. That is actually a greater argument for barbarism than what is being proposed.

I do not want to go back to fantasies about the coliseum, Roman gladiators, and hares, dogs and people being chased. However, central questions that must be asked are: are all the dogs muzzled? Is there an escape route for the hare? Is there a welfare programme in place for the hare? Does the evidence show that the hare population increases when that welfare is provided? There seems to be a deficiency of available research. The only research that I have obtained is from Quercus. It states that the welfare of the hare was not only protected but the population was enhanced as a result of what had occurred.

Will I gamble on hare coursing? No. I never will. However, will I ban people from fishing, shooting

and participating in what are legitimate, non-cruel countryside sports? No, I will not.

**Mr Weir:** No one is accusing Mr Bell of gambling. I have no desire to knock his halo off. I simply make the point that the principal purpose of hare coursing is, effectively, as a form of organised gambling. Therefore, I simply say that all those Members who support the creation of those two events are, by inference, supporting the furtherance of gambling activity. That may well not be the intention of Mr Bell or other Members of the House. However, I simply point out that that will be a consequence.

Is every hare coursing event of the nature that Mr Bell described? I suspect not. Is it cruel? I believe that it is. A facile argument has been put forward about angling and other sports of that nature. No one in the House suggests that angling be banned. Let us not take the argument to an absurd level.

A range of things have been banned down the years because they are felt to be cruel to animals. We do not have dogs fighting, as happened many years ago when it was organised. At least, we certainly do not have that legally, and where it has happened, pressure has been put on as it is illegal. Therefore, we do draw a distinction between some things that are cruel to animals and other legitimate activities.

No one is suggesting that angling will be banned; using angling is a false argument. When the Member for North Down Mr Wilson brought forward the Hunting Bill, there was not even the support to take it to a Division. I do not believe that the idea that in some way it is the thin end of the wedge holds water.

#### 4.45 pm

At best, this would make very little difference one way or the other to the numbers. What is relevant to the numbers are the conservation regimes that are put in place by the Department. The increase in hare numbers has not had anything to do with the activity of hare coursing in one way or the other, or, indeed, with any activities of hare coursers. It is to do with the measures that have been put in place. We have seen a substantial increase in the hare numbers.

**Dr Farry:** I am grateful to the Member for giving way. I made the point that the number of hares

is ultimately irrelevant to what is a simple issue of cruelty. However, does the Member accept that there is some dispute over the pattern of numbers? In 2002, the figure was around 14,000; today, the figure is around 20,000. That may suggest that there has been a rise, but there is also a counter-argument that the 2002 figure is not robust and that the 2004 starting point, which was around 70,000, actually shows a significant decline of some 60% over the past five or six years, from about 70,000 to just over 20,000.

**Mr Weir:** I agree with the Member that the numbers is not an overly relevant argument to hare coursing; I think that has been accepted by most people. Are the numbers that have been bandied about by both sides watertight? I suspect they are probably not. Is there a certain amount of evidence that there has been a reasonable increase in the hare population in recent years? Yes, there does appear to be. I am not sure whether that is quantified perfectly. The hares do not take part in the census every 10 years and fill out the little forms. Indeed, one doubts if many of the Irish hare would claim to speak Irish on the hare census. Therefore, can the numbers be watertight in absolute terms? No, they cannot, but we have seen a trend that has been growing in Northern Ireland because of the actions of the Department.

I suspect there may be an ulterior motive in what the Member is putting forward, as it may possibly relate to a different group of amendments. I believe that there has been a healthy increase in the numbers. From that point of view, I do not believe that the Irish hare is as threatened a species as it was a number of years ago. I think it is in a much healthier position and a better position of protection.

Those who are trying to use the evidence of numbers — whether they are supposedly strong or supposedly weak — are not necessarily in the strongest position. It is about the Assembly following through on a decision it has already taken.

**The Chairperson of the Committee for the Environment (Mr Boylan):** I thank the Member for giving way. I would like some clarification. The Member talked about the work of the Department, but will he not admit that some of the coursing clubs and the Countryside Alliance have worked to try to increase the numbers

and protect the species? It is not just about the Department.

**Mr Weir:** Clearly it goes beyond that. I think the action that has had the single biggest effect was taken by the Department. Many in the countryside have worked hard to boost numbers across the board. There may well be a feeling of solidarity for those who are involved in legitimate country sports and pursuits. I think that their name is inadvertently besmirched by the linkage with the barbaric activity of hare coursing. There are plenty of activities, such as angling, that are legitimate country pursuits. I think that a lot of the people involved in those will see a distinction between what they do and hare coursing.

We took the decision some time ago on hare coursing. Let us take the logical step of following that through. Let us ensure that what we have is watertight, and let us not have hare coursing by the back door, as Mr Molloy and some of his colleagues wish to see.

**Mr Beggs:** I oppose amendment Nos 8 and 10, and support amendment No 9 and consequential amendment Nos 13, 14 and 15. Amendment Nos 8 and 10 are simply an ingenious means by which the Member for Mid Ulster has attempted to bring hare coursing back to the table after the Assembly supported my amendment to ban it. He has simply used a technical method to try to get that issue on the table again. That is unfortunate.

He gave a rather rose-tinted view of hare coursing. What is hare coursing? Let us remember its various stages. First, there is the catching of the wild animal. Then there is the holding of the wild animal in an unnatural environment until the event occurs: a second stressful event. Then it is released in a restricted, unnatural enclosure — a space created by man with one exit point — purely for the purpose of man to race his dogs and to bet. When you add all those factors together, hare coursing is unnecessary and a type of sport that I would not wish to continue in our jurisdiction.

**Mr Molloy:** Does the Member, based on his arguments, also propose to ban horse racing? That is carried out in an enclosure, is done for gambling, and gives enjoyment to people from seeing horses compete. Therefore, the enclosure issue is the same, and there is an escape route for the horses, just as there is for the hare. Surely he is comparing the two and

telling us that this is the thin edge of the wedge and that the next thing is to ban horse racing.

**Mr Beggs:** The Member is attempting to make a very unfortunate comparison. He might have a point if there were a lion chasing the horse around the track. It is also important to remember that the horse is a domesticated animal, and anyone who knows horses knows that they enjoy exercise and running, jumping and racing. You have made a very poor comparison.

**Mr Wells:** Following on from the Member for Mid Ulster's analogy, it is noticeable that when a rider falls off during a horse race, the horse continues because it is quite clear that the horse enjoys the sport of horse racing. It does not feel terrorised or intimidated. I am absolutely certain that the hare that is being coursed does not come back for more. That animal is totally terrorised by the experience because it thinks that it is about to be killed. It is a totally different situation.

**Mr Beggs:** Hare coursing is an unnatural chase manufactured for a wild animal in an unnatural environment. Therefore, it is inappropriate.

**Mr Molloy:** The Member said that the horse was domesticated. Domesticated by whom? Domesticated by man. The horse is as wild an animal as the hare, but has been domesticated over the years by man. The hare is not something different. All have been controlled, put into and raised in the present situation. However, if you let the horse go wild, it is as wild an animal as the hare.

**Mr Beggs:** If the Member wishes to ban horse racing for that reason, he is entitled to do so. I do not. Another Member made an argument about potentially being cruel to fish through fishing. I do not believe that that is cruel. If he believes that that is cruel, he is entitled to that opinion.

What is wrong, however, is people using extreme comparisons to try to win an argument. The argument over hare coursing should be on its own rights and merits. When I take everything into judgement, hare coursing is not appropriate, which is why I am not supportive of it. I will continue to oppose hare coursing and amendment Nos 8 and 10.

The Member made other arguments. He spoke about hares being killed because of cold weather. That is outside our control. He also spoke about

hares being killed because of the airport. You can stop that by shutting down the airport.

Those are examples of people trying to use issues that are beyond our control to win their argument. That is very shallow. Hare coursing should be judged purely on how it involves catching a wild animal, storing it in an enclosure and an unnatural situation and manufacturing a chase. Based on those factors, hare coursing is entirely wrong. Therefore, I oppose amendment Nos 8 and 10.

Amendment No 9 will strengthen our ban on hare coursing, so I support it. If amendment No 9 were successful and if, for some strange reason, the Assembly agreed amendment Nos 8 and 10, we would have created the perfect defence for someone who engages in hare coursing and catching wild hares. Those people would say that they were catching the hares for a licensed event taking place in two months' time or whatever. So if for some strange reason, that is the decision of the Assembly, we will have put in a defence for those who wish to continue the sport.

For those who wish to enjoy watching their dogs run and race, the greyhound track is the best place to do that, because they can enjoy the race and those who wish to bet can continue to do so. We do not need to bring a wild animal into the situation and to stress it unnecessarily. For that reason, I oppose amendment Nos 8 and 10 and support amendment No 9 and the other consequential amendments in the group.

**Dr Farry:** The Alliance Party will also oppose amendment Nos 8 and 10 and will support amendment No 9 and the others in the group.

We share the frustration that many expressed that we are back discussing an issue that we felt was closed. Back in June, the Assembly took a decision that was, in many respects, long overdue and brought us into the twentieth century, let alone the twenty-first century, in our attitude towards animals and wildlife.

For us, the issue is extremely simple: it is about cruelty and barbarity. People are either for cruelty and barbarity, which seems to be the implication of what Mr Molloy and his colleagues who will support him later are saying, or they are against them. Quite clearly, the vast majority of people in this society are very much opposed to hare coursing and quite rightly regard it as being abhorrent.

It is important that we are clear on what we are talking about and do not start to blur boundaries. I accept the fact that people will want to rear animals for food. That is natural because humans are omnivores, and we have to accept some of the realities around that. Equally, in our attitudes towards the farming and hunting of wild animals, we need to make sure that we have our own standards that we uphold with regard to what is, and is not, permissible.

Hare coursing has been described as a sport. I reject that notion because I am not quite sure when the contest comes in. It is not a contest into which the hare freely enters or has any expectation of winning. It is a one-directional activity.

Many other activities throughout history were defended. Over time, those activities have quite rightly been described as cruel and have been banned, whether that is bear baiting, which happened in the past, or, more recently, bull fighting, which is becoming increasingly less tolerated, even in Spain. Some Spanish provinces banned bull fighting recently, which illustrates the global direction on those types of activities that serve no purpose other than providing entertainment for some misguided individuals who seem to get kicks and thrills from seeing an animal in torment or blood being spilled. I regard such activities as utterly disgusting, as do most other people.

I referred to the issue of hare numbers in several interventions, and I will say a lot more about that when we debate the third group of amendments.

However, it is suffice to say that that issue is irrelevant to the debate. This issue is black or white — one is either for or against cruelty. That said, there is clear evidence that the number of hares has fallen in recent years, and the taking of hares for hare coursing, although not the only reason, is a contributing factor. The notion that hare coursing preserves hare numbers has, therefore, been quite rightly ridiculed.

### 5.00 pm

Another argument is that hare coursing is no longer cruel because the dogs used are muzzled. However, that also misses the mark fundamentally, because there is cruelty to the hare before, during and after the coursing. There is cruelty in the netting, captivity and transportation of the hare before the coursing

event — if one can call it that. There is cruelty during the coursing, as the animal is tormented by the chase and is in fear of its life. Even if a dog is muzzled, it will still hit the hare, which, in itself, can cause damage. That damage and its consequences may not be immediate, but they exist. Hares can also suffer from psychological trauma and heart failure as a consequence of the sheer fear and torment that they are put through. Finally, if a hare survives the coursing and is released, there is a danger to it from the trauma that it has suffered and an impact on hare numbers as a result.

Hare coursing fails on all counts. I urge the House to stick by its brave decision in June and I urge that Members strongly resist —

**The Chairperson of the Committee for the Environment:** Will the Member give way?

**Dr Farry:** Yes; go ahead.

**The Chairperson of the Committee for the Environment:** Does the Member realise that hares face fear and great stress in the open countryside on a daily basis? I am aware that he thinks that that occurs because of this activity, but does he realise that it happens anyway?

**Dr Farry:** The fear and distress that occurs elsewhere is part and parcel of what happens in nature or is a rather unfortunate by-product of other legitimate activities that mankind conducts. However, I draw a major distinction between those and an activity in which man deliberately instils fear in a hare for no other reason than his own enjoyment. No purpose is served by hare coursing, other than so-called entertainment for individuals with a misguided set of values. To put it mildly, I am alarmed that Mr Boylan and others seek to defend hare coursing on the grounds that they have.

**The Chairperson of the Committee for the Environment:** I want to say a few words as the Chairperson of the Committee for the Environment, and I will then speak as a Sinn Féin representative for Newry and Armagh.

The Committee for the Environment has not had the opportunity to see or to comment on the amendments in this group, and it did not discuss hare coursing during the Bill's Committee Stage. Therefore, the Committee has no position on the issue.

I commend my colleague Francie Molloy for tabling amendment Nos 8 and 10. The main



concerns about hare coursing are based on conservation and welfare. During the Bill's Consideration Stage last June, the amendment was bounced by the Chamber. I was surprised at some Members, who are not in Chamber now, but who spoke in opposition to hare coursing during that debate. Those Members normally hear both sides of the story. We have spent many hours debating this issue, but, despite that, it seems that Members have not taken on board the views from the countryside, the coursing clubs and the rural community. I want to make some points on their behalf.

I do not want to repeat what my colleague said, but he made a strong argument. Mr Wells spoke about going to an event in Ballymena 28 or 29 years ago. However, hare coursing, including the type of event that Mr Wells attended and the events that are carried out in the South of Ireland, has substantially changed since then.

**Mr Wells:** I take it that the Member is speaking as the MLA for Newry and Armagh and not as the Chairperson of the Environment Committee. He did not necessarily make the distinction. He seemed to move seamlessly from one to the other, and that is important.

**The Chairperson of the Committee for the Environment:** I clarify that the Committee had no position, but I —

**Mr Wells:** I would not be that kind to the Member. I have been to hare coursing events in the past, and very few people in the Chamber can say that. Along with the then honourable Member for East Belfast, the First Minister, I remember attending Crebilly. My understanding is that the only substantive difference between hare coursing as practised in Crebilly in the 1980s and the present form is that the dogs are muzzled. It still occurs in an enclosed space. There is an escape route as such. However, it is not an escape route into open countryside but to where the hare can be caught and coursed again. That is hardly any escape for the animal concerned. Hares are still killed at the event. The hare is still as terrified, whether it is being coursed by a dog with or without a muzzle. It still perceives itself as about to be killed, and it is still absolutely terrorised.

If he had not been whipped by his TD from Kerry in the Republic —

**Mr Deputy Speaker:** Order. The Member will make all remarks through the Chair.

**Mr Wells:** Sorry, Mr Deputy Speaker. I am sure that you would never allow yourself to be whipped by a TD from Kerry. I accept that.

If the honourable member for Newry and Armagh had not been whipped by a TD from Kerry, would he be making any of these comments? It is absolutely hypocritical to oppose snaring, which I do, but support hare coursing.

**The Chairperson of the Committee for the Environment:** I thank the Member for his intervention. The Member is well aware that I gave an opinion on that during the previous debate, and I do not propose to go down that route again. My colleague has answered the case with regard to the Whip, and he is correct. There is not a whip long enough to reach from Kerry to here to control us. The issue went to a democratic vote at the ard fheis and also in the Dáil. I am not going to get into that debate. I will, however, highlight issues relating to hare coursing clubs.

I have been presented with material. Members are entitled to ask for an intervention, and I will allow it. I will start with conservation. It has been systematically proven by several sources of recent independent research that organised hare coursing is inextricably linked with the conservation of the Irish hare. It has been found that hare population density is 18 times higher in coursing club preserves than in the wider countryside. We will get into the debate about figures later on, but the recent figure for hares has now risen to 4.76 for each square kilometre.

The Irish Coursing Club actively promotes hare husbandry and offers an annual hare husbandry seminar for all coursing club members free of charge.

**Dr Farry:** Does the Member agree that the first amendment passed today, and bravely supported by the Member in question, would have a much bigger impact on the conservation of all animals, including the Irish hare, than the so-called argument that he is putting out about hare coursing as a means of conservation?

**The Chairperson of the Committee for the Environment:** I thank the Member for his intervention. He may be correct in one way. However, if we are to go down the route of picking out single issues, we will be here all day.

I am only trying to highlight the ongoing work. In all the arguments in the Chamber, not too many people, bar my colleague, have tried to outline exactly what the coursing groups are trying to do. That brings me back to when the Committee received evidence when it was going through the Bill. When we asked how the Department ascertained figures for hare populations, we were told that people stood up on the bonnet of a car or went lamping at night just to try to find out the figures, and that was quite funny at the time. Hare coursing clubs, the Countryside Alliance and everybody else, including a significant number of people in my constituency, know the number of hares and where they are.

I want to highlight some other points. In recent years, hare mortality during coursing events has been lower than 0.1%, as my colleague has said. I ask Members whether that type of activity and hunting itself are the real threats to hare populations. I would not have thought so. The number of healthy hares returned to the wild has steadily and markedly increased over time. In the past 20 years, it has increased from 82.7% to 98.7%, between the 1990-91 and 2009-2010 coursing seasons.

The two coursing clubs that have existed in the North kept excellent records for the percentage of captured hares returned to the wild from the 1994-95 season until their closure in 2002-03. That was 95.4% in total, and 91.5% and 96.9% for the Ballymena and Dungannon clubs respectively.

Let me reiterate, my colleague's proposed amendment is to include provisions on conditions and regulations. They would be imposed on those two clubs. I will not get into figures and the economy and everything else, because those aspects have been clearly highlighted. I just want to make that point on behalf of the hare coursing clubs.

This is a key point. According to DEFRA, since the banning of hare coursing in England, hare poaching is the most prolific wildlife crime, accounting for 36% of all reported crime and undertaken by those already engaged in other crimes. DEFRA also reports a decrease in local hare populations. That is a valid point. The Minister is well aware of that. Whatever Bill we talk about, we always talk about enforcement and resources. Members need not bother denying the fact that if the complete ban is imposed, there will not be the resources to protect hares.

It is time that we looked to people who know what is happening in the countryside and in the clubs. They have changed their ways and we need to take a serious look at that.

I come to welfare. Mr Farry is right, and Mr Wells also mentioned this point. It is a black-and-white issue. Members opposite and those beside us argue that hare coursing is cruel and not even a sport. However, clubs have come a long way and changed their practices to try to look after the welfare of the animal and to try to retain coursing as a sport.

After injury from dogs during a coursing event, the next complaint made is about the welfare of the hare and the distress of the animal in adverse circumstances. A review of the fundamental facts addresses those concerns. The incidence of injuries to hares during coursing events has been brought to an unprecedented low in the entire history of coursing, as reported above. Besides the fact that greyhounds have been muzzled since 1993, the Irish Coursing Club's hare husbandry programme promotes the development of a more robust hare, partly to reduce further incidence of injury. Mr Wells may not be aware of this, but personnel are now placed in the coursing field to immediately retrieve any hares that become pinned or incapacitated by the greyhounds.

Claims of knowledge about the stress levels of coursed hares are not based on fact, as there are no studies on stress in coursed hares. Over time, hares have adapted to become prey animals with the capacity for short sprints at high speed to evade capture by predators. They are well-equipped physically and their central nervous systems can cope with being chased. In relation to Mr Farry's point, hares are under that threat in the open countryside all the time. People think that coursed hares suffer high stress levels, but there does not seem to have been any research carried out on that. I fear that no resources will be put into such research whatever way the vote goes.

The people in the countryside who take part in coursing and who look after the countryside and country sports are the people who will look after the hare numbers and protect the Irish hare. It is not in their interests as huntsmen to see hare populations decline.

**5.15 pm**

The average length of time in which a hare is coursed is approximately 35 seconds, in a range of between 50 seconds and 90 seconds. As I said, practices have changed. I support amendment Nos 8 and 10 and oppose amendment Nos 9, 13, 14 and 15.

**Mr B Wilson:** I was surprised and disappointed to see this amendment on the agenda. I thought that we had finally resolved that long-standing issue last June.

**Mr Weir:** There are six amendments in the second group. I presume that the Member is referring to Mr Molloy's amendments.

**Mr B Wilson:** I am sorry. That is correct; they are Mr Molloy's amendments. I thought that we had finally resolved that long-standing issue last June, when the Assembly voted in favour of banning park hare coursing.

It was 40 years ago when my former colleague the late MP for Bangor Bertie McConnell first introduced such a Bill to the old Northern Ireland Parliament. Although it was passed by the Commons, it was delayed by the Senate and fell when the Parliament was abolished in 1972. My North Down Alliance Party colleague Lord Dunleath introduced a similar Bill in the 1973 Assembly. However, that Assembly was abolished some years later and the Bill made no progress. He tried again in 1983, and although that Assembly supported the proposal, it fell before the legislation could be enacted.

Banning hare coursing is a long-standing issue, and it is time that it was finally resolved. I have a long-standing interest in the issue. Like Mr Wells, I used to spend my Boxing Days in the 1970s and early 1980s protesting in the freezing cold at Crebilly.

**Mr Campbell:** The Member has outlined the number of times that Bills such as this have been introduced in the past only to be aborted because of the subsequent fall of the legislatures. Does that mean that if the Bill is passed tonight, we should all look out for the future of this Assembly in the forthcoming months?

**Mr B Wilson:** I should certainly hope not. I think that this Assembly is stable enough to withstand any such shock.

We protested outside at Crebilly, while the course hares inside were torn apart by hounds.

It was sickening to hear the screams of the hares and the shouting of the spectators. In 1980, I even wrote to the then Secretary of State, Jim Prior, asking him to reintroduce the legislation that had been passed by the Assembly before it was prorogued.

The Assembly vote in June 2010 to ban hare coursing was historic. I had hoped that the barbaric sport of hare coursing would follow cockfighting and badger-baiting into the annals of history. Hare coursing and other blood sports have no place in the twenty-first century. The ban on hare coursing has received cross-party support, and the Bill's Further Consideration Stage should not be used to reverse decisions made at previous stages. We should be looking at strengthening the provisions that we have already agreed, not reversing them.

I am particularly dismayed that, once again, Sinn Féin is supporting activities that involve animal cruelty. I accept that hare coursing has changed significantly since the 1980s. Although the dogs are now muzzled and hares may not be killed during a coursing event, the fact is that, as Dr Farry pointed out, the hares do suffer trauma. A 2004 report accepted that hares were significantly stressed, which led to a compromise of their immune systems, often resulting in death. That was confirmed by a study carried out in Wexford in 2003, which found that, of 83 hares that had been netted and coursed by muzzled dogs, 40 had died.

I welcome amendment No 9, which would strengthen the ban on hare coursing, essentially allowing the PSNI to prevent hare coursing rather than simply prosecuting those who take part in it. I welcome the amendment as it allows the PSNI to prosecute for the netting of hares. It will, therefore, prevent future animal cruelty.

I will vote against amendment Nos 8 and 10 and support amendment No 9. We should vote against amendment Nos 8 and 10 because, after 40 years, it is time that we put an end to this barbaric practice once and for all.

**The Minister of the Environment:** Back-Bench amendment Nos 8 and 10 seek to allow hare coursing under licence by my Department. I have always maintained that hare coursing is not primarily a conservation-related issue. I believe that the decision taken by the Assembly at Consideration Stage to ban hare coursing was taken on social and ethical grounds and based on the premise that such a sport is no

longer appropriate in the twenty-first century. I consider that those amendments would be a fundamental reversal of the Assembly's decision to ban hare coursing altogether. On that basis, I propose to reject amendment Nos 8 and 10.

Amendment No 9, in essence, seeks to strengthen the Assembly's decision to ban hare coursing by prohibiting the taking of hares through netting. Under article 12 of the Wildlife (Northern Ireland) Order 1985, it is already an offence to use nets to catch hares. Therefore, in effect, netting is prevented by that course of action. The transportation element is already technically banned, but the proposal would add further teeth to existing legislation.

I have several technical amendments that are required as a consequence of the vote at Consideration Stage to outlaw hare coursing. Those amendments will delete references to coursing in a number of separate statutes. An amendment to the Long Title of the Bill — amendment No 15 — is also required for that reason. That concludes my discussion on the second group of amendments.

**Mr Molloy:** Go raibh maith agat. I thank the Minister for his reply. There is no point in me making a lengthy winding-up speech.

**Some Members:** Hear, hear.

**Mr Molloy:** I do not think that we will change many people's minds. Although some Members may not be whipped, the Whip is with them.

A lot of myths have been thrown up. Mr Wilson repeated an earlier one by scaremongering about hares being savagely torn apart and about squealing and v different things. However, at the end of his contribution, he admitted that that did not happen today. Therefore, I do not know why he had to take the usual course and tell us about it. If Mr Wilson or other Members think that hare coursing, cockfighting and all the other issues that they want to talk about no longer happen, they are more naive than I thought the Green Party was in the first place. The reality is entirely different.

The Green Party in the South of Ireland had to retreat very quickly, although not quickly enough given the way that it got out of government. The Green Party could not get this legislation through in the South of Ireland. Despite the dismissals of Mr Weir and others, the economy in the South of Ireland benefits from coursing

events to the tune of about €60 million a year. Clonmel alone, a small rural community, benefits to the tune of €16 million a year.

We missed Jim Shannon in the debate. Mr Shannon advocated, many times, that we should try to engage in a number of different rural sports to attract tourists and to develop the economy. Unfortunately, he has passed on to another place and is no longer with us. We need some sort of vision of what we do here rather than simply burying our heads in the sand. If Members look back over the past 30 or 40 years, they should realise that banning things did not achieve an awful lot.

Many of us were banned in various ways, as were many political parties and marches, but those bans did not work. In fact, if Members were to look back through political history, they would see that banning just does not work. Unfortunately, it will not work in this case either.

Professor Montgomery, co-author of the Queen's University, Belfast report, said:

*"Without legal, well-organised and regulated coursing, much of the costs of conservation will fall exclusively on government."*

Whenever the Department talks about present-day budgets, it should take into account how much money the Government will have to spend on conservation and how that money could be used instead, not only to achieve benefits for the economy, but to deal with conservation.

Members have been very selective with the surveys that they do and do not like. We heard about several surveys today. For example, we heard about different versions of the Queen's University report. One version said that hare numbers are dropping and, indeed, that hares are disappearing completely, while another said that hare numbers are increasing, which is the reality of the situation. I listened to Brian Wilson's history of different Bills and thought that — I know that this is not a party position — maybe we should bring back the Senate, if that is a way to dismiss some of these issues.

After listening to some of the contributions, I am amazed at just how many Members can understand the mindsets of horses, hares and hounds. All of them can imagine the suffering, trauma and tension that those animals go through. Given their great imaginations about



what animals endure, I often wonder what those Members do as a side job.

We have had a good enough debate on the issue. I do not think that many Members' minds have been changed, but that is more to do with the reality of closed minds than with anything else. We have to look at the reality of whether we want well-organised, regulated and managed hare coursing or whether we want to throw it open and allow uncontrolled, illegal activity to continue. I ask Members to support the amendment.

**Mr Deputy Speaker:** Amendment No 8 is a paving amendment for amendment No 10.

*Question put, That amendment No 8 be made.*

*The Assembly divided: Ayes 33; Noes 53*

### AYES

*Ms M Anderson, Mr Armstrong, Mr Bell, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr Brady, Mr Butler, Mr W Clarke, Mrs Foster, Mr Gallagher, Ms Gildernew, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Mr McCartney, Mr I McCreá, Mr McElduff, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr Molloy, Lord Morrow, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms S Ramsey, Ms Ruane, Mr Sheehan.*

*Tellers for the Ayes: Mr Boylan and Mr Brady.*

### NOES

*Mr S Anderson, Mr Attwood, Mr Beggs, Mr P J Bradley, Mr Bresland, Lord Browne, Mr Burns, Mr Callaghan, Mr Campbell, Mr T Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maginness, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCreá, Mr McDevitt, Dr McDonnell, Mr McFarland, Miss McIlveen, Mr McQuillan, Mr Moutray, Mr Neeson, Mr Newton, Mr O'Loan, Mr Poots, Ms Ritchie, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson.*

*Tellers for the Noes: Mr Lyttle and Mr Ross.*

*The following Member voted in both Lobbies and is therefore not counted in the result: Mr P Ramsey.*

*Question accordingly negatived.*

**Amendment No 9 made:** In page 21, line 2, at end insert

*"(e) nets hares for the purpose of a hare coursing event,*

*(f) transports hares for the purpose of a hare coursing event, or*

*(g) holds hares for the purpose of a hare coursing event." — [Mr Weir.]*

### New Clause

**Amendment No 10 proposed:** After clause 36, insert the following new clause:

*"Licensing of hare coursing events*

*36A.—(1) Section 36 does not apply to a hare coursing event arranged under and in accordance with a licence granted by the Department.*

*(2) A licence under subsection (1)—*

*(a) may be granted only to a particular person; and*

*(b) shall be subject to compliance with a code of practice published by the Department.*

*(3) The Department shall not license any more than two events in any calendar year.*

*(4) The Department may charge for the licence such reasonable sum (if any) as it may determine.*

*(5) The Department shall publish a code of practice in connection with hare coursing events.*

*(6) The code of practice under subsection (5) shall include—*

*(a) a requirement that every hare coursing event be attended by a licensed veterinary surgeon; and*

*(b) requirements as to standards to be observed in the practice of hare husbandry.*

*(7) Applications for a licence must include such information as the Department may require." — [Mr Molloy.]*

*Question put and negatived.*

### Schedule 1 (Amendments to Schedules to the Wildlife Order)

**Mr Deputy Speaker:** We now come to the third group of amendments for debate. With amendment No 11, it will be convenient to debate amendment No 12. The amendments deal with the protection of the Irish hare.

**Dr Farry:** I beg to move amendment No 11: In page 23, line 35, at end insert

"Hare, Irish	Lepus timidus hibernicus"
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*The following amendment stood on the Marshalled List:*

No 12: In page 24, line 35, at end insert

"Hare, Irish	Lepus timidus hibernicus"
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— [Dr Farry.]

**Dr Farry:** The purpose of amendment No 11 is to add the Irish hare to schedule 5 —

**Mr Deputy Speaker:** Order. Members, please, if you are going to have conversations, have them outside the Chamber.

**Some Members:** Hear, hear.

**Dr Farry:** I repeat: the purpose of amendment No 11 is to add the Irish hare to schedule 5 to the Wildlife (Northern Ireland) Order 1985 and, therefore, give full protection to the Irish hare. Amendment No 12 would add the Irish hare to schedule 7 of the 1985 Order, thereby banning the buying and selling of the Irish hare whether alive or dead.

It is important to acknowledge the background to the amendments. The Irish hare is a distinct species of hare unique to Ireland. Its proper Latin name is *Lepus timidus hibernicus*, and its history on the island of Ireland stretches back 60,000 years. Indeed, it is regarded as an iconic animal and very much part of Irish folklore. It is distinguished by the black tips on its ears and its long back legs.

So far, we have had some interesting discussions on the numbers of Irish hares, particularly on what has happened to those numbers in recent years. It is important to acknowledge that, in itself, that debate is very small and self-contained. It is more relevant to look at long-term trends and, first, to acknowledge that, before the turn of the twentieth century, let alone the twenty-first century, there were several hundred thousand Irish hares on the island of Ireland. We are now talking about a figure of, at best, the mid-twenty thousands. Indeed, the most recent accurate survey, carried out in June 2009, indicates a figure of 27,400. We have seen a decline in numbers owing to the onset of modern farming techniques and habitat loss. More recently, we

have seen a further decline in hare numbers. Between 2004 and 2009, we saw a 60% decline in the number of Irish hares.

Huge confusion around the number of Irish hares was caused by the 2002 survey, which is often cited as the baseline by departmental officials and officials in the Northern Ireland Environment Agency. However, it is also challenged as not being robust in its methodology. If we look to the 2004 figure, which is seen as much more reliable, we are talking, at that time, about a figure of around 72,000 Irish hares. If we are to believe the 2002 figure, we would have had a massive rise, from 14,000 to 72,000, over a two-year period. However, if we look at the figure for 2009, we see a figure of around 27,000. Therefore, during the period 2004-09, there was a 60% decline in the number of Irish hares. We must ask ourselves whether the temporary special measures that we put in place have been effective in protecting the Irish hare. I think not.

#### 5.45 pm

It is also important to consider the local perspective. Indeed, localised problems may not be captured in a much bigger census of Irish hares. Compared to other mammals, the Irish hare demonstrates a limited range and dispersal. Essentially, a hare will live close to where it was born and will not easily migrate to new territory. Ultimately, in respect of numbers, we have to err on the side of caution. Why should we take a risk with such an iconic, indigenous Irish mammal, when we are so uncertain of its present situation? Indeed it is important that we employ what is termed the precautionary principle, which states that, where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing action.

What are the consequences of being wrong about the current plight of the Irish hare and finding that it is abundant? Will we harm society by introducing protection for the Irish hare? The Irish hare is not a predator. It does not necessarily destroy or interfere with agriculture, and its habitat is often different from agricultural land. Neither is it a threat to woodland. Indeed, when the House passed the Forestry Act (Northern Ireland) 2010, the Irish hare was not cited as a species that threatened woodland.

**The Chairperson of the Committee for the Environment:** Will the Member clarify — maybe

he will not be able to — the figures for 2010? He gave us the figures for 2004; I think that he said 72,000. He then referred to 2009. However, will he clarify whether he has any figures for 2010? I have those figures.

**Dr Farry:** Share them if you want to.

**The Chairperson of the Committee for the**

**Environment:** The figure is 67,400 in the latest survey. There were five hares per sq km in 2004, which is a year to which the Member made significant reference. In 2010, there were 4.76 hares per sq km. During Committee Stage, we sought information, and there has been good research done on this. The figures are well up again. The Member may not be aware of those figures.

**Dr Farry:** I am grateful to the Member for clarifying those figures. I cited the 2009 figure of 27,000. The point about statistics is that it is important that Members are careful about how they look at figures. It is possible to get outliers from statistical trends. There is concern about the accuracy of the 2002 figure, and the subsequent figure for 2004 and other years tend to confirm that the 2002 figure was inaccurate.

If the Member is suggesting that we had a figure of around 67,000 in 2010, that presupposes that there has been a massive increase, more than doubling the Irish hare population in one calendar year from the figure that I quoted of 27,000 in 2009 to more than 60,000 in 2010. I suggest that the figure that the Member cited is a statistical outlier, if, indeed, it was accurate in the first place. It is more relevant to look to the trend of figures between 2004 and 2009. I referred to a 60% decline in the number of Irish hares in that six-year period. There is no doubt that we could discuss figures all night, but that is the basis on which I tabled the amendments, and I sincerely believe that we have a sufficient body of evidence, particularly from Queen's University, to illustrate that there is a long-term decline in the Irish hare population. That decline has not been arrested in the first decade of this century; if anything, it has continued.

As things stand, the Irish hare is under threat. It is classified as a quarry species. It can be shot, hunted, but, thankfully, given that we rejected the previous group of amendments, it is no longer subject to being coursed. However, we need to look for solutions to protect the Irish hare. Again, I stress the importance of the precautionary principle. Even if we have a

situation where there is a dispute about the figures, let us err on the side of caution. No harm is caused to society by giving the Irish hare full protection. However, if we are wrong and we fail to give the Irish hare protection, we could see irreversible damage to one of the iconic species of this island.

Clearly, there are steps that we can take. There is the important step of trying not only to protect habitats but to restore them. Hopefully, we have taken some steps in that direction already today through a strong biodiversity strategy. It is also important that we give full protection to the hare. The ban on hare coursing that we have passed today is absolutely welcome. However, there are circumstances other than hare coursing that may well threaten the Irish hare. It is important to caution Members that the fact that we have reinforced the ban on hare coursing today does not mean that our job of protecting the Irish hare is done. Going for full protection will cover all possible angles from which the Irish hare is threatened.

There have been temporary special protection orders for the Irish hare in recent years. The evidence suggests that they have not been that successful in protecting numbers. Furthermore, they do not provide a constant regime and do not provide a degree of certainty. Indeed, they rely on the good nature of progressive Ministers, such as the current one, to renew them on a regular basis. That may not always be the case. However, full protection is just that. Greater clarity will be given to the police on what is and is not an offence. That would make prosecutions easier without the need to bring in, for example, landowners, because the law will be clarified in a much more black-and-white way.

There is also some very strong evidence of support for the full protection of the Irish hare in this society. Organisations such as the League Against Cruel Sports, Northern Ireland Environment Link, the Hare Preservation Trust, the Irish Hare Initiative, the Animal Welfare Federation, the Northern Ireland Badger Group and Lecale Conservation and a host of private individuals support it. Indeed, opinion polls suggest that well over 70% of the population of Northern Ireland want full protection to be given to what is an iconic species. The argument about the cost of full protection is a red herring. Full protection will be more cost-effective than temporary protection, and we have already

taken the step, through earlier amendments, to address costs incurred through biodiversity.

I urge the House to support amendment Nos 11 and 12. That is the final and cleanest way to put an end to the long-running dispute over the situation of the Irish hare. Through granting it full protection, we will remove any ambiguities and address any loopholes, and we can finally put the issue to rest, enjoy a key part of our heritage and have a greater degree of confidence that it will be there for future generations to enjoy.

**The Chairperson of the Committee for the Environment:**

Go raibh maith agat, a LeasCheann Comhairle. I propose to speak as Chairperson first and then say a few words as a Newry and Armagh MLA.

As we have heard, amendment No 11 will add the Irish hare to schedule 5 to the Wildlife Order 1985, which affords protection to animals at all times. Unlike hare coursing, protection of the Irish hare was considered at some length by the Committee during Committee Stage. The Bill was silent on the Irish hare, but those who submitted written evidence to the Committee were not. The Committee and its members were lobbied considerably on that issue from both sides of the argument. The Committee considered the evidence put before it, which ranged from those who were adamant that the Irish hare should be afforded greater protection to those who provided scientific evidence to show that Irish hare populations are thriving best in regions where sporting activities involving the Irish hare are traditional.

The Committee sought more information from the Department and was told that the greatest threat to the Irish hare was loss of habitat and that an Irish hare species action plan to address that had doubled the population over recent years. That said, it was noted that obtaining accurate consistent data on the Irish hare was not easy. The Department advised the Committee that, for the past several years, it has used special protection orders to protect the Irish hare when populations have become critical. It argued that that had worked well and that numbers had doubled in recent years. However, it noted that the mechanism is not cheap. The protection order requires a regular assessment of hare numbers in order to justify it.

Incidentally, it was noted by some respondents to the Committee that ongoing population

counts might be more beneficial to the species than being placed on a permanent protection list with no monitoring requirement, especially if the predominant threat to the species comes not from sport or hunting but from habitat loss.

Having heard the various arguments, the Committee eventually concluded that retaining the status quo would be in the best long-term interests of the Irish hare. It therefore does not support amendment No 11.

Amendment No 12 would place the Irish hare on the list of species that may not be sold, alive or dead. The inclusion of the Irish hare on that list was not considered by the Committee, which therefore has no position on amendment No 12. That concludes my summary of the Environment Committee's position.

I would like to make a few remarks as a Member for Newry and Armagh. Representing a large rural constituency, I am lobbied a great deal on the issue. On behalf of my party, I cannot support amendment No 11. I am disappointed that the Member who moved the amendment has not come up with any conservation ideas. He talked about full protection of the Irish hare, and his figures may be right. However, I am going on the figures that I have been provided with, as the Member is going on figures that he has. The figures are open to discussion. Has the Member not outlined the biggest threat to population growth and density? Moreover, I think that the Member means a ban on hunting by default, which I certainly would not support. The Member will have a chance to respond. I would like to hear how he would deal with conservation and enforcement if Members were to support the amendment. I am strongly opposed to it.

We have talked about the figures already. The figures that I have show that the population has increased. There has been a protection order. I went back to the previous amendment, and I think that the Countryside Alliance, hare coursing groups and others have worked together in rural communities to increase the population. There has been a great deal of hard work. If we decide to go down the line of protecting the Irish hare, who will enforce that? It will just be opened up again to bad practices. That is not the right approach.

The economic impact of what is proposed — I am specifically talking about hunting, because putting the hare on schedule 5 and protecting



it will lead to a hunting ban, and all the beagle hounds and —

**Mr Wells:** The Member has got it totally wrong: putting the Irish hare on the schedule will not stop anything. It will just mean that if someone wishes to do it they can apply to the DOE for a licence and get permission. All species that are protected, be they schedule 1 species of birds or whatever, are protected in the sense that one cannot just go out and shoot them. However, if there is a need to kill an animal or if the conservation argument is such that an occasional licence can be granted, people can apply to DOE or the NIEA for permission. It is not a blanket ban, and the Member needs to understand that.

**The Chairperson of the Committee for the Environment:** I totally agree, and I take that on board. However, Mr Wells should know this about legislation: you put something in place that is very easy and then regulate it and amend it to suit. I agree with you in that respect, but it is coincidental that you are talking about regulation and applying to DOE for a licence; yet, on the previous argument, when we wanted to regulate hare coursing, you were against it. I will not go into that.

**Mr Deputy Speaker:** Please make your remarks through the Chair.

**The Chairperson of the Committee for the Environment:** Sorry, Mr Deputy Speaker. I take the Member's point on board, but I fear making people apply for a licence. He is correct, but it opens up a void on the issue. I am not prepared to support that element.

Therefore, we must protect those rural sports and activities.

## 6.00 pm

I want to touch on another point to do with the social element. A number of people get together right across the divide to take part in those activities. On numerous occasions in this Chamber, we have heard about the health benefits and about trying to promote health, and here we have a perfectly good activity where people go out walking in fields on a Sunday. Beagle hounds are not a serious threat to the Irish hare population. On the point that Mr Wells made, my only fear is that, if the amendments are adopted, other subordinate legislation will

flow from it. On behalf of my party, I oppose amendment Nos 11 and 12.

**Mr Kinahan:** I am pleased to speak to the Bill again, but I echo Mr Wells's comments that we should not be coming back to the issue of hare coursing, given that it was voted down the last time it came up in the summer. Country sports and lobby groups are hearing from the Alliance Party that awful line, "They have not gone away, you know", and that party is willing to keep pushing and fighting when the majority here do not wish the amendments to go through.

I will not go into all of the statistics, and I will not speak for long, but we have heard that the hare population is everything from 25,000 to — according to the statistics that I got sent today for 2010, which are more up to date than the 2009 statistics — anything between 53,000 and 85,000 hares. To me, that seems to be an awful lot of hares. I am not sure whether they breed like rabbits, but, if they do, there will be many more of them much quicker.

The key point is that, if the Irish hare is added to the schedule, all that it will do is ban hunting or beagling, and that is only for the hunts that hunt hares, because they do not all do so. In a year, those hunts or beagles probably kill only 20 or 30 hares and, therefore, this is all a bit of a sideshow and, possibly, just an election ploy.

I will clarify one or two points. One person gave evidence to the Committee that the Irish hare interbreeds with the brown hare and, therefore, asked: what is an Irish hare as time goes on? That person also said that the Irish hare migrates, and we have been told today that they do not migrate. When it came to the predator argument, we heard that they do not destroy the habitat, yet one person who gave evidence to the Committee told us the story of how they hop over the fence, go into new woodland and happily snap every small sapling there, not to eat it but just because that is what they can do.

A lot of misinformation is going around today. We have already had the hunting debate, when we threw out the chance of a ban on hunting. I will not take you through a day on hunting again other than to say that, for those of us in the rural community, it is how we learn about the countryside, keep everyone and the animals healthy, learn about the animals and learn to interact with each other. It is a great shame that the two amendments have been tabled when we

have voted against them already, so our party is against amendment Nos 11 and 12.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. I oppose the third group of amendments, which is on the protection of the hare. The Chairperson has more than amply articulated the reasoning behind the view that the Committee took on that. Frankly, the temporary protection orders are clearly working. They reserve some sort of capacity for the Department, with Queen's University, to monitor the hare population and they have led to the proliferation of the hare population. I know that there was some mention of figures and, with the greatest of respect to Mr Farry, I do not believe in using figures to advance an argument purely because they are contrived.

The figures clearly show that there has been an extensive growth in the hare population in the countryside. That reflects a prudent response by the Department. To date, I have heard nothing to convince me that that is the correct course of action for the Department to take.

I fully support amendment No 11 and the retention of temporary protection orders where the appropriate approach is adopted by the Department. However, I remain to be convinced of the consequential effects of that on amendment No 12 and what resources are required to monitor it, whether they be policing, departmental, or, by some quirk, they turn out to be local governmental, and how those will be implemented. I look forward to Mr Farry explaining in more detail how that could work. Those are my views and the considered opinion that we have come to after Committee Stage.

**Mr Molloy:** Go raibh maith agat, a LeasCheann Comhairle. A few minutes ago, the Alliance spokesperson said that he was back in a position that we thought had closed. Why are we back in that position in relation to these amendments? He was talking about coursing at that time and his proposal on it.

**Mr Wells:** I had the misfortune of having to sit in here one very hot June evening when we debated the issue, and my recollection is that the debate was centred entirely on the issue of hare coursing. The issue of the protection of the Irish hare seemed to go by default; there was no proper debate on the issue and there certainly was no vote. There was a collection of voices, and, in the confusion, many of those who wished to suggest that they were in favour of protecting

the Irish hare did not get a chance to have any involvement in the debate. Therefore, I do not think that the Member is right in saying that there was a full and proper debate at that stage.

**Mr Molloy:** I thank the Member for his intervention, but, if my memory serves me right, Alliance Party Members did not move the motion at that time. They withdrew it and created the false expectation that they had withdrawn it and that it was over, but the Alliance Party has slipped it in again for another debate.

**Dr Farry:** On a point of order, Mr Deputy Speaker. I wish to clarify the issue in case the House is led down a blind alley: at the time, I clearly said "not moved at this time", and that was recorded in the Official Report. That clearly gave the impression that we would bring the issue back at Further Consideration Stage, so no one was or should have been under any illusions at the time.

**Mr Molloy:** As you know, a LeasCheann Comhairle, the words used are "not moved". It does not make any difference what you add to those words. The Member did not move the amendment. Therefore, I correct Mr Wells on his intervention. The words were "not moved". There was no vote or debate, and Members thought that it was over, but we are back where we left off that night.

It was a long debate and there were a lot of issues. However, the House took a clear line in relation to the Hunting Bill, which was put forward by Mr Wilson. It was voted down, but now there is a veiled attempt by the Alliance Party to bring a ban on hunting back into the arena. It may be veiled to some people and disguised in various ways, but the reality is that we have a proposal to ban the hunting of hares by hounds.

As anyone who lives in a rural area will know, the hunting of hares by hounds has been going on for centuries; it is a country pastime as much as anything. As I said earlier, it is a lackadaisical walk in the fields. The slow movement of beagles and hounds does not panic or startle anyone — and definitely not the hare. Very often, I have seen the hare sitting watching them and waiting for them to catch up, and they still did not catch it. Therefore, the idea of the hare being under severe stress and strain is not true. Hunting does not affect the hare, and few hares, if any, are caught by beagles. If

you looked at a beagle, you would know that it is not that enthusiastic about catching anything.

The Alliance Party is attempting to catch us so that this will slide through by the back door and we will have a ban on hunting. That is another ban on a rural way of life and a rural sport.

Therefore, we need be clear as to what the proposal is about: it seeks to ban completely the hunting of hares with hounds. We cannot tell hounds and beagles when they go out hunting that they can hunt brown hares but not Irish hares. Irish hares do not wear a tricolour or label, nor are they green. In many areas, brown hares overrun the countryside. That causes problems.

I am sure that the Alliance Party proposer of the amendment is well educated on rural sports and the rural way of life. However, he seems to have missed something when he said that hares do no damage. If you speak to the orchard men in County Armagh or to people who plant trees, they would say that, in fact, the hare does a lot of damage. Not only does the hare damage the lower part of the tree, but, because of its height, it can stretch very high and do a lot of damage to young apple trees and trees of any nature that have flowers, blooms or leaves on them. Therefore, the idea that the hare does no damage is false.

**Mr Wells:** That is a red herring. The Member knows that, if that situation arose and a farmer or grower had difficulties with hares, he could apply for a licence to the Northern Ireland Environment Agency to permit the culling of hares. Therefore, that situation is covered. The Member should not put up straw men and knock them down. Those are not valid reasons to oppose the amendment.

**Mr Molloy:** I have listened to a number of different interventions from the Member. Red herrings have been mentioned so often that I think that the next ban will be on hunting herring. The Member has another list coming up for us in the future. I did not create that red herring: it was created by the Alliance Party proposer of the amendment, who said that the hare does no damage. My point is that it does cause damage. There are conservation problems with hares and other wild animals. Although the farmer can protect trees, hares can still damage them because of their height. They cause a lot of damage. People need to make themselves aware of rural issues before they start to talk

about them, particularly on the issue of conservation and protection of the Irish hare.

Perhaps, it is the Irish or green side of the Alliance Party that talks about protection of the Irish hare. However, its argument does not cut it, have any effect or influence anyone, because it is not about the protection of the Irish hare but is something that has been adopted from the Green Party. That does not do the Alliance Party any good.

We have discussed several different issues, including the number of Irish hares. As many Members have pointed out, the figures quoted by the proposer of the amendments are flawed. The amendments themselves are flawed. They have come out of the woodwork at a late date because the party knew that they would be voted down at Consideration Stage. Therefore, we are debating the issue of numbers again.

As has been pointed out, hares, particularly Irish hares, are currently in abundance. If Members look at the graph of the numbers of Irish hares over the past number of years, they would see that they rise and fall at certain times due to different circumstances that affect birth rates. The rates at which hares are killed are also affected by various circumstances. For example, leverets can, unfortunately, be killed by silage cutters because they simply stay down when the machinery passes over them. Therefore, the hare population has risen and fallen over the past number of years. At present, the population is healthy.

**Mr Lyttle:** Much has been made of numbers, figures and data. Is the Member aware of the European Commission's report on protected habitats and species in Ireland that has rated the conservation status of the Irish hare as "poor"? The report also states that the Irish hare has not only suffered significant population decline over past decades, but has experienced localised extinction. That is stated in a European Commission report, which is dated 2008. We need to clear up the nonsense that surrounds fact and figures.

Also, in relation to the issue of stress that you raised, the Irish Coursing Club's veterinary surgeon said:

*"Stress can come in many shapes and forms and as long as you have the hare in captivity, he is prone to it — resulting in his disability and even death at times."*

We need to be clear about those two issues.

**6.15 pm**

**Mr Molloy:** I thank the Member for his intervention. I repeat: Members have been very selective in the surveys that they like and the surveys that they do not like. They pick the ones that they do like to make their argument, and sometimes it depends on the course of it.

**Mr Lyttle:** The quote is from the Irish Coursing Club in relation to the impact of stress on the hare.

**Mr Molloy:** I thank the Member again for that intervention, but we all have the correspondence from the Irish Coursing Club. He did not like some of it earlier on in relation to other events that we have been discussing. The Irish Coursing Club promises the husbandry that it offers to the hares, preserves and maintains the habitat that the hares live in and has increased the population of the Irish hare from 82% in 1990-91 to 98.7% in 2009-2010. The facts and figures are all there. Just taking one paragraph that you like does not solve the problem. We have to deal with the reality of the situation on the ground.

If the European survey is actually saying that the farming community should close down completely because of the number of hares that are being killed by silage cutting, that is a different road to go down, and he will certainly have strong opposition to that from most Members, and certainly from myself. You can protect so far, but we are talking about wild animals. There is also the preservation of deer in different parts of the country. Go to Donegal today and you will see whole forests being destroyed because of the number of wild deer that have escaped from Glenveagh and are now running wild around the country and damaging stock. There are times when you have to conserve and times when you have to cull certain animals to protect them.

At this time we are protecting the Irish hare. The numbers of Irish hare are great at the present time, and the protection is there to look after them. The people who are looking after them are those who manage them in various different ways. The coursing clubs are some of those bodies that have done a great job in ensuring the protection of the Irish hare and looking after its habitat. Unfortunately there are a lot of people who sit in ivory towers and tell us what

should be done to protect the Irish hare, but do not actually engage in doing anything for it.

If I asked any of the Members who are proposing the protection of the Irish hare what they have done over the last five years to protect the Irish hare or increase the growth of the Irish hare, I think the answer would be "nil". Where is their conservation proposal? What are they proposing to do, other than saying we should protect the Irish hare, getting it passed in the Assembly and putting it on their election literature, then walking away and leaving it for somebody else to look after? Let us look after the people who have been looking after the Irish hare, and vote down the amendments for the second time.

**The Minister of the Environment:** The amendments propose giving full statutory protection to the Irish hare and preventing the sale of Irish hares. I explained my stance on the issue during Consideration Stage, and I will reiterate the main reasons why I do not consider it necessary to give the Irish hare full statutory protection. Ecological evidence indicates that the main factors limiting the Irish hare population are the availability and quality of suitable habitat. Activities such as hunting have a negligible impact on the overall population.

Ten years ago, the population of the Irish hare was one hare per square kilometre, and my Department established a species action plan to address the conservation concerns. That plan included two key targets relating to the overall population, including a target to double the population in as wide an area as possible over that 10-year period. Data from annual surveys showed that the targets contained in the action plan have been achieved. Research also shows that there has been no regression in the genetic strength of the population. My Department therefore considers that the Irish hare population is stable. On that basis, I do not believe that it is necessary to give the Irish hare full statutory protection.

My Department will be conducting a review of the current action plan, and our objective is to develop a new plan that will focus on key actions to maintain the population. In addition, with the help of Department of Agriculture and Rural Development schemes and other projects, we seek to improve those numbers over the next 10 years.



I also believe that, if we are to achieve our shared aims, it is important that we work closely with those who have an interest in country sports. I welcome that that group had a voluntary moratorium on hunting the Irish hare. That will be of major assistance in achieving sustainable populations of a broad range of species. Therefore, I am not prepared to support the amendment, and, for the same reason, I will not be supporting amendment No 12.

**Dr Farry:** The amendments are being put to a vote tonight; they were not put to a vote back in June 2010. Therefore, there is nothing contrived about the nature of the debate today. It is qualitatively different from Mr Molloy's earlier attempt to get the hare coursing issue reopened through the back door.

In many respects, we have made the issue a lot more complicated than it needs to be. Indeed, given the number of red herrings that Members introduced, we moved from hares to fish. The issue is very simple. The Minister questioned the need for full protection, and, in one sense, I respect that argument. The counter argument, however, is that there has been no sustained or well-argued case as to why the Irish hare should not be given full protection. There is no harm to society whatsoever in giving the Irish hare full protection. Indeed, full protection comes with all the caveats that Mr Wells set out.

We are seeking to move from a situation of giving temporary protection for the Irish hare to one where we have full protection. Temporary protection would have to be re-examined and reconsidered time after time, incurring a degree of cost while relying on a Minister's being prepared to renew or reintroduce an order if it expires. Full protection, however, would mean that orders would not have to be constantly renewed or reintroduced. So all the things to do with cruelty to the Irish hare that Members complain cannot be done would be ruled out with a temporary ban. Therefore, moving from a temporary to a permanent ban would not make life any easier or more difficult for those in the countryside.

**The Minister of the Environment:** The Member quoted his own figures for 2004-09. I understand that the ban was in place throughout that period. So the Member is defeated by his own argument, which was that there is a correlation between hunting and where the species exists.

**Dr Farry:** The figures suggest that the temporary measures were in themselves not sufficient to address the issue. However, I stress that the widest and most effective way to protect the hare is through habitat. I have never argued anything to the contrary. Anyone who reads the Official Report will see that I made clear in my opening remarks that the clearest way to protect the hare is through the protection and enhancement of biodiversity and, in particular, its habitat. Full protection of the Irish hare is a support mechanism for hare numbers and is an important step that we should nevertheless take.

I again stress that there is no harm in or consequence to extending a series of temporary protections to full protection. That would move us away from all the uncertainty and would give clarity. We would not then have to carry out regular censuses or have a Minister seeking to extend the protection.

I was disappointed by the remarks of most of the political parties. I already addressed Mr Boylan's remarks by saying that full protection would cost less than regular surveys. I also made the point about the importance of conservation. Mr Boylan challenged me about what we would do about protection. Again, the clear argument is the importance of protection and enhancing biodiversity. We took a step in that direction today.

Mr Boylan also queried the economic impact of a ban on hunting. If hunting is what is required for an economic impact, that is an economic impact that we can do without. Society is very clear on its attitude to a lot of these things.

Again, I was disappointed by the attitude of Danny Kinahan and the Ulster Unionists. It is not an issue of town versus country or us trying to create some artificial divide in society. There is concern across the board in Northern Ireland about the protection of the Irish hare. It is not an issue only for people who live in an urban setting.

I was also disappointed by the comments of Mr McGlone from the SDLP. At least the SDLP spoke on this group of amendments. I was disappointed that no SDLP Members contributed to the earlier part of the debate on hare coursing. A number of SDLP Members even went through the Aye lobby and voted to reintroduce hare coursing in Northern Ireland. It is important that that party clarifies its position on animal cruelty issues, particularly the coursing of hares.

When Mr McGlone attacks as “contrived” the figures that I have cited, it is not an attack upon me —

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

**Dr Farry:** I will in a second.

That is an attack on the professional people who put the figures together in the first place.

**Mr McGlone:** First, we had a free vote earlier.

Secondly, Mr Farry, at no point did I say that your figures were contrived.

**Dr Farry:** You did.

**Mr McGlone:** To be honest, I did not. I just asked for further clarity on those figures, because a number of figures had been presented objectively in the Assembly, and I just wanted to get a flavour of the argument. By making that allegation, you did not advance your argument one iota.

**Mr Deputy Speaker:** Please refer all your remarks through the Chair.

**Mr McGlone:** Yes, Mr Deputy Speaker, thank you.

**Dr Farry:** First of all, the record will show that the word “contrived” was used. My colleagues beside me have just confirmed that, and it will be in the Official Report. I wrote the word down as Mr McGlone said it. If Mr McGlone is also saying that the SDLP has a free vote on an issue of animal cruelty, that gives me great cause for concern.

In relation to Mr Molloy's remarks, I have already explained the situation on the nature of our amendments. Making this into an orange/green issue was a little bit far-fetched. The Alliance Party stands here as a cross-community party; we are not unionist or nationalist, and we are not currying favour in either direction. We do what is right for this society.

The notion that our amendments are the result of the Alliance Party jumping on a bandwagon created by the Green Party is wrong. Protection for the Irish hare is something that was being pursued in this Chamber by my colleague David Ford long before the Green Party even existed in Northern Ireland. *[Interruption.]* Mr Wilson confirms that he has been active on the issue for over 30 years, but that was in a different life, before he was a member of the Green Party and when he wore a different hat.

My colleague Mr Lyttle made a very useful intervention when he cited the European Commission's view on the matter. If anyone wants to dispute the Commission's status as an authoritative source, they will be making a big mistake.

Clearly, there is opposition in the Chamber to our amendments, but it is important that we take a stance tonight and that Members make clear where they stand on the full protection of the Irish hare. There is strong support in society for that protection, and people will be judged on how they vote on it.

*Question put, That amendment No 11 be made.*

*The Assembly divided: Ayes 19; Noes 56.*

## AYES

*Mr Attwood, Mrs M Bradley, Mr PJ Bradley, Mr Burns, Mr Callaghan, Mr Easton, Dr Farry, Mr Ford, Mr Humphrey, Mrs D Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McDevitt, Ms Ritchie, Mr G Robinson, Mr Wells, Mr B Wilson.*

*Tellers for the Ayes: Mr Lyttle and Mr McCarthy.*

## NOES

*Ms M Anderson, Mr S Anderson, Mr Armstrong, Mr Beggs, Mr Bell, Mr Boylan, Mr D Bradley, Mr Brady, Mr Bresland, Mr Butler, Mr T Clarke, Mr W Clarke, Mr Cobain, Rev Dr Robert Coulter, Mrs Foster, Mr Frew, Mr Gallagher, Ms Gildernew, Mr Hamilton, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Mr McCartney, Mr B McCrea, Mr I McCrea, Dr McDonnell, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Mr M McGuinness, Miss McIlveen, Mr McKay, Mr McLaughlin, Mr Molloy, Lord Morrow, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr Poots, Mr P Ramsey, Ms S Ramsey, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Weir.*

*Tellers for the Noes: Mr Brady and Mr Ross.*

*Question accordingly negated.*

*Amendment No 12 proposed: In page 24, line 35, at end insert*

"Hare, Irish	Lepus timidus hibernicus"
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— *[Dr Farry.]*

*Question put and negated.*

**Schedule 2 (Amendments)**

**Mr Deputy Speaker:** Amendment No 13 is a paving amendment for amendment No 14.

*Amendment No 13 made:* In page 28, line 28, leave out leave out “7A(1) and 7D(4)” and insert “and 7A(1)”. — [*The Minister of the Environment (Mr Poots).*]

**Schedule 3 (Repeals)**

*Amendment No 14 made:* In page 32, line 22, at end insert

“PART 3

HARE COURSING

Short Title	Extent of repeal
<i>The Game Preservation Act (Northern Ireland) 1928 (c. 25)</i>	<i>In section 7(2) paragraph (b) and the word ‘or’ immediately before it.</i>
<i>The Control of Greyhounds etc. Act (Northern Ireland) 1950 (c. 13)</i>	<i>Section 7D(4). Section 5(2). In Schedule 12, paragraph 3.</i>
<i>The Wildlife (Northern Ireland) Order 1985 (NI 2)</i>	
<i>The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (NI 11)</i>	<i>In Article 2(2), in the definition of ‘bookmaker’s licence’, the words “or coursing”.</i>
<i>The Game Preservation (Amendment) Act (Northern Ireland) 2002 (c. 2)</i>	<i>Section 1(4).”</i>

— [*The Minister of the Environment (Mr Poots).*]

**Long Title**

*Amendment No 15 made:* Leave out “and amend” and insert

“; to prohibit hare coursing events; to amend”. — [*The Minister of the Environment (Mr Poots).*]

**Mr Deputy Speaker:** That concludes the Further Consideration Stage of the Wildlife and Natural Environment Bill. The Bill stands referred to the Speaker.

(*Mr Speaker in the Chair*)

**Committee Business****Statutory Committee Membership**

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

*Resolved:*

*That Mr John McCallister replace Mr David McClarty as a member of the Committee for Employment and Learning; and that Mr Fred Cobain replace Mr John McCallister as a member of the Committee for Social Development. — [Mr Cobain.]*

**Planning 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 1 March 2011, in relation to the Committee Stage of the Planning Bill (NIA Bill 7/10).*

I do not think that I have to remind Members of the amount of legislation that the Environment Committee has dealt with in this mandate. Suffice it to say, Committee members have become experts in legislation.

The Planning Bill is the largest Bill ever to come before this House. It consists of 248 clauses and seven schedules. There were 61 responses to the Committee’s call for evidence, and the Committee has taken oral evidence from 11 organisations and individuals. It held a stakeholder event that was attended by over 25 organisations, which gave stakeholders the opportunity to air their views on the specific areas that have consistently arisen throughout the submissions.

The Committee has been meeting twice a week, including for some all-day sessions, in order to conduct its scrutiny of this hugely important Bill.

Although all Committee members have agreed to do their utmost to ensure that the Bill is passed in this mandate, the Committee needs a short extension to ensure that it receives the relevant information from the Department that it needs to make informed decisions on the Bill.

Therefore, I seek the Assembly's support for the extension of the Committee Stage of the Planning 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 1 March 2011, in relation to the Committee Stage of the Planning Bill [NIA Bill 7/10].*

## Private Members' Business

### **Caravans Bill: Further Consideration Stage**

**Mr Speaker:** I call the sponsor, Mr John McCallister, to move the Further Consideration Stage of the Caravans Bill.

*Moved. — [Mr McCallister.]*

**Mr Speaker:** Members will have received a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. I remind Members that, under Standing Order 37(2), Further Consideration Stage is restricted to debating any further amendments tabled to the Bill.

There is a single group of amendments, comprising amendment Nos 1 to 6, which deal with seasonal agreements. Once the debate on the group is completed, any further amendments will be moved formally as we go through the Bill, and the Question on each will be put without further debate. If that is clear, we shall proceed.

### **Clause 7 (Application of this Part)**

**Mr Speaker:** We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 6. The amendments deal with seasonal agreements. I advise Members that amendment No 6 is consequential to amendment No 4. Therefore, I will call amendment No 6 only if amendment No 4 is made.

### **The Minister for Social Development**

**(Mr Attwood):** I beg to move amendment No 1: In page 5, line 37, at end, add "under a seasonal agreement".

*The following amendments stood on the Marshalled List:*

No 2: In clause 8, page 6, line 8, at end insert

*"and*

*(d) sets out the terms implied by section 9(1)." —  
[The Minister for Social Development (Mr Attwood).]*

No 3: In clause 8, page 6, line 22, at end insert

*"and*

*(d) sets out the terms implied by section 9(1)." —  
[The Minister for Social Development (Mr Attwood).]*



## No 4: Leave out clause 9 and insert

*"Implied terms as to consultation with occupiers' association*

9.—(1) *In any seasonal agreement there shall be implied the terms set out in subsections (3) and (4) (read with subsections (5) and (6)); and this subsection shall have effect notwithstanding any express term of the agreement.*

(2) *If the owner fails to comply with those terms, the occupier may apply to the court for an order requiring the owner to comply with those terms.*

(3) *The owner shall consult a qualifying occupiers' association, if there is one, about all matters which relate to the operation and management of, or improvements to, the caravan site which may affect the occupiers either directly or indirectly.*

(4) *For the purposes of consultation the owner shall give the association at least 28 days' notice in writing of the matters referred to in subsection (3) which—*

(a) *describes the matters and how they may affect the occupiers either directly or indirectly in the long and short term; and*

(b) *states when and where the association can make representations about the matters.*

(5) *For the purposes of subsection (3) an association is a qualifying occupiers' association in relation to a caravan site if—*

(a) *it is an association representing the occupiers of caravans on that site;*

(b) *at least 50% of the occupiers of the caravans on that site are members of the association;*

(c) *it is independent from the owner, who together with any agent or employee of the owner is excluded from membership;*

(d) *subject to paragraph (c), membership is open to all occupiers who own a caravan on that site;*

(e) *it maintains a list of members which is open to public inspection together with the rules and constitution of the association;*

(f) *it has a chairman, secretary and treasurer who are elected by and from among the members;*

(g) *with the exception of administrative decisions taken by the chairman, secretary and treasurer acting in their official capacities, decisions are taken by voting and there is only one vote for each caravan;*

(h) *the owner has acknowledged in writing to the secretary that the association is a qualifying*

*occupiers' association or, in default of this, the court has so ordered.*

(6) *When calculating the percentage of occupiers for the purpose of subsection (5)(b), each caravan shall be taken to have only one occupier and, in the event of there being more than one occupier of a caravan, its occupier is to be taken to be the occupier whose name first appears on the agreement." — [The Minister for Social Development (Mr Attwood).]*

No 5: In clause 10, page 7, line 2, leave out "seasonal" and insert "caravan". — [The Minister for Social Development (Mr Attwood).]

No 6: Leave out schedule 2. — [The Minister for Social Development (Mr Attwood).]

**The Minister for Social Development:** I want to acknowledge the work that John McCallister has done in guiding the Caravans Bill to its penultimate stage, and the further work that has been undertaken since Consideration Stage by officials in my Department and in the Department of Enterprise, Trade and Investment (DETI). Save for one or two matters, I do not believe that there is anything of great substance in the amendments. Nonetheless, the amendments will ensure that, technically and procedurally, the intentions behind the Bill are fulfilled.

At Consideration Stage, the Assembly supported amendments proposed by Mr McCallister that created implied terms in the holiday caravan sector. There are a number of technical deficiencies in those provisions, which, if not addressed, would undermine their desired impact and weaken the legal effectiveness of the Bill. The amendments that are tabled are designed to address those matters. They have been drafted in consultation with Mr McCallister and the Department of Enterprise, Trade and Investment, which has the policy lead on the holiday caravan sector. I stress that DETI has been involved in each and all relevant matters.

The amendments specifically ensure consistency in the use of terminology and references with the rest of the Bill, make the provisions clearer and more easily understood and ensure that, as far as possible, they are workable in practice and will be more legally effective.

Amendment No 1, which amends clause 7, clarifies the definition of the term "occupier" for the purposes of Part 2 of the Bill. That is needed to differentiate clearly in the Bill

between the implied terms, which are designed to apply to the holiday caravan sector in Part 2 of the Bill, and those which apply to the residential caravan sector in Part 1.

I turn to amendment Nos 2 and 3. At present, even though there is a requirement to consult a qualifying occupiers' association on a range of issues, there is no requirement on site owners to tell caravan owners on their sites about those implied terms. Amendment Nos 2 and 3, which amend clause 8, address that gap and place a requirement on site owners to include notification in the written statement about the implied terms. It is a good legal maxim to create certainty and avoid doubt, which is what amendment Nos 2 and 3 will do. They will also increase transparency in the flow of information.

Amendment No 4 amends and replaces the current clause 9 and schedule 2. Schedule 2 contains many technical deficiencies. Rather than table a series of minor amendments, I propose to amend and replace the provisions in clause 9 and schedule 2 with a new clause 9. That approach is clearer and simpler and is intended to facilitate a shorter and more focused process today.

The main purpose of amendment No 4 is to ensure consistency with other parts of the Bill and make the existing provisions clearer and more workable. There are five main changes from the current schedule 2. First, in amendment No 4, the association is referred to consistently as a "qualifying occupiers' association". That is a textual amendment. Secondly, amendment No 4 creates a mechanism for site owners to recognise the qualifying occupiers' association or for occupiers to seek a court order requiring them to do so. Such a mechanism already exists in the residential sector, and parallel provision is now made for the seasonal sector.

Thirdly, the amendment removes the provision for collective consultation on site fees and service fees. There is no parallel provision in the residential sector, where consultation on pitch fees is a matter for individual negotiation between a caravan owner and a site owner. English case law reinforces that point and, given the legal situation, the current provision in paragraph 2(b) of schedule 2 is likely to be unworkable. Fourthly, the requirement for a qualifying occupiers' association to hold an AGM is removed. There is no similar requirement in

the residential sector and no clear reason why the provisions for the holiday sector should differ in that respect. Lastly, the grounds for consultation in the seasonal sector are somewhat unclear and create the potential for considerable disagreement on sites and needless litigation. I anticipate that that matter will be of some interest during the ensuing debate. If so, I will reply in substance to any points raised during the debate.

In essence, the site owner currently has to consult only about significant changes to the operation and management of a site — that is what is in the draft — and has no obligation to consult about site improvements, which are important as they are often used to justify increases in pitch fees. The word "significant" is subjective and open to wide interpretation. What is significant to one person may not be significant to another. Its inclusion leaves much room for disagreement about the matters that should be consulted on. Given that the Bill gives holiday caravan owners the option of court challenge, such disagreement may lead to costly and unnecessary litigation. That can be avoided by being much clearer about the grounds for consultation, which is achieved by the removal of the word "significant" and the inclusion of "consultation" on site improvements. That change has the added benefit of making the grounds for consultation in the residential and holiday caravan sectors broadly consistent.

At Consideration Stage, the House recognised that there are some caravan sites that contain residential and holiday caravans. Amendment No 4 will be of particular benefit to the owners of those sites, who will be able to operate one consultation process rather than two separate processes.

Amendment No 5 to clause 10 replaces a remaining reference to "seasonal" site. That term was removed during Consideration Stage and replaced with "caravan" site. Amendment No 6 leaves out schedule 2, which is no longer required as a result of amendment No 4, to which I have just referred. I commend these amendments to the House.

**The Chairperson of the Committee for Social Development (Mr Hamilton):** The Committee for Social Development considered the amendments in group 1 at its meeting on 3 February 2010. The amendments are described as technical and refer to the seasonal caravan

sector. The Department advised the Committee that these final amendments are designed to ensure that the Caravans Bill operates effectively and consistently.

The key amendment is amendment No 4. Much of the text, as set out on the Marshalled List, is unchanged from the Caravans Bill as amended at Consideration Stage. There are only a few small differences. One difference concerns the requirement for seasonal site owners to consult qualifying associations in respect of all matters relating to operational and management issues. As is evident, the new wording matches the provisions that apply in the residential sector. The Department believes that consistency in that respect will be of benefit to caravan site owners, particularly where there are residential and seasonal caravan occupiers on the same site or adjacent sites.

I remind the House that the majority of Committee members were generally content with the extension to the seasonal caravan sector of some of the rights available to the residential caravan sector. Many members welcomed the requirement for site owners to consult occupiers, particularly on significant issues, as a means of initiating a useful dialogue between both groups.

During initial discussions on that issue, a minority of Committee members expressed concerns and suggested that the requirement around consultation should be more limited for the seasonal sector than the residential sector. The argument centred on the desire not to disadvantage an important part of the tourism industry by applying more onerous regulation in Northern Ireland than applies in other jurisdictions. I think that the majority of members support these amendments. However, when the Minister for Social Development responds to the debate, I ask that he confirm whether he is content that that provision will not lead to any disadvantage for Northern Ireland's seasonal caravan sites. I reiterate the Committee's support for the amendments.

**Mr F McCann:** Go raibh maith agat, a Cheann Comhairle. I also support the amendments. As Simon said, at Committee, I raised a number of difficulties that I saw in the seasonal sector, and, at one stage, my party considered the possibility of tabling amendments to the Bill. However, through discussion at Committee and with individuals, we came down in favour of

these amendments, especially the provisions in and around the formation of residents' associations to help with any possible problems that may arise during the day to day running of caravan sites. The fact that a review of the workings of this will take place in a number of years' time means that we — if we are all re-elected again in May — will be able to deal with any anomalies or problems that it throws up.

We raised a whole list of issues at Committee, such as forced evictions from sites; threatened evictions; increasing fees; people being forced to sell their caravan to site owners at a huge loss or to change caravans over a relatively short period regardless of condition; and the fact that tenants had little rights and no say in site conditions. However, we believe that the first step towards addressing those issues is the provision of occupiers' associations, because those will give caravan owners some powers that they have not had previously.

I again thank the Committee and all the officials who came in, because there was a general debate at Committee. I also thank and commend John for bringing forward the Bill. After tonight, he will hopefully be able to go home and not dream about caravans. As I said during the debate at Consideration Stage, a lot of this is down to Annette Holden, because she did all the running for it. It is good work and a job well done. I support the amendments.

**Ms Lo:** I support the amendments.

**Mr McCallister:** Mr Speaker, the importance of the Caravans Bill has been shown by the fact that you have returned to preside over this part of the business and that the First Minister joined us for a time to oversee its Further Consideration Stage.

I am grateful to the Minister for his opening comments. I concur with his remarks about the help and support provided by his officials and those from DETI. The amendments very much tidy up the Bill as amended at Consideration Stage. The broad principles of the amendments that I tabled at Consideration Stage were about setting up and trying to build on and improve the rights of caravan owners. I am, therefore, grateful to the Minister for Social Development and to colleagues in DETI for helping to draft these amendments. That is why I support them, and I am grateful to the Members from all sides of the Assembly who support them, too. As Minister Attwood said, these amendments

make the Bill much more workable and useable for people to avail themselves of the rights contained in the legislation. They are also in keeping with the drafting instructions given, so the flow of the Bill will not be lost. For those reasons, I support the Minister's amendments.

### 7.00 pm

Amendment No 1 gives the clarity that is required. Amendment Nos 2 and 3 create certainty and avoid doubt, to use Minister Attwood's phrase. Amendment No 4 is the biggest, and it was sensible to replace schedule 2 to make this as workable as possible. The fact that we want the legislation to improve things for caravan owners has been the driving force behind it. We want it to work in the residential sector, and we want the amendments to do with the seasonal sector to work in order to provide meaningful change for the better in the caravan sector.

As the Chairperson of the Committee said, we do not want to overburden site owners or the industry. When working with DETI officials and Minister Foster, the driving force of her argument was that she did not want something that would go against her role as Minister for better regulation. The issue was about striking a balance, and that is what these amendments do. They meet the principles set out at Consideration Stage and improve them.

Amendment No 5 is a technical one, and amendment No 6 is consequential to amendment No 4. I wholeheartedly support the amendments, and am grateful to the Minister, colleagues and others for staying to debate this. Hopefully, we will have the support of the House.

**The Minister for Social Development:** I thank Members for their contributions. I will create a little more certainty and avoid a little more doubt: subject to Final Stage and Royal Assent, we trust this Bill will be operational by later this year, after the summer season. Therefore, all those who have caravans and those who do not will be able to take advantage or otherwise of the legislation that will be in place at that stage.

I compliment John McCallister and all those who have been involved in developing this piece of legislation, including my predecessor, Margaret Ritchie, who had a much greater role in this than my belated one.

As the experience in Britain demonstrates, this sort of legislation does not place any undue burden on the sector. Some of the provisions are already operated on a voluntary basis by a number of site owners around Northern Ireland. We will create consistency, not undue burden, and we will create some level of obligation, responsibility and protection for those who use caravan sites. The Department for Social Development and DETI are engaged in a process of education and awareness around the Bill, so when it goes live, there should be a higher threshold of understanding of its contents going into the next summer season in particular. The provisions around residential sites might be relevant even earlier than the summer season of 2012.

I give the Chairperson of the Committee the reassurance that he sought about whether there would be any disadvantage to the seasonal sites. I am pleased to have that reassurance recorded in the Hansard report. In respect of the substantive matter in these amendments, I confirm that I looked very closely at whether the deletion of the term "significant" was the appropriate course of action. The phrase had referred to the site undergoing:

*"significant changes to the operation and management".*

It did not seem to me to be a good idea to have two different tests for the two caravan sectors. Leaving out the term "significant" will create consistency around the test.

I concur with the view that "significant" is too extravagant and elaborate a term to give power to the site owner to determine what he should or should not deem as significant in consultation with or information to those who have pitches. Although there is still some latitude in interpretation in respect of the deletion of "significant" in schedule 2 and replacing it with "all", it is easier to apply the test of reasonableness to proposed new clause 9 than it is to the existing clause 9.

I am glad to give those reassurances, as I indicated to the Chairperson of the Committee. I thank all Members who contributed, and I commend the amendments to the House.

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



**Clause 8 (Particulars of agreements)**

Amendment No 2 made: In page 6, line 8, at end insert

*“and*

*(d) sets out the terms implied by section 9(1).” —*  
*[The Minister for Social Development (Mr Attwood).]*

Amendment No 3 made: In page 6, line 22, at end insert

*“and*

*(d) sets out the terms implied by section 9(1).” —*  
*[The Minister for Social Development (Mr Attwood).]*

**Clause 9 (Terms of agreements)**

Amendment No 4 made: Leave out clause 9 and insert

*“Implied terms as to consultation with occupiers’ association*

*9.—(1) In any seasonal agreement there shall be implied the terms set out in subsections (3) and (4) (read with subsections (5) and (6)); and this subsection shall have effect notwithstanding any express term of the agreement.*

*(2) If the owner fails to comply with those terms, the occupier may apply to the court for an order requiring the owner to comply with those terms.*

*(3) The owner shall consult a qualifying occupiers’ association, if there is one, about all matters which relate to the operation and management of, or improvements to, the caravan site which may affect the occupiers either directly or indirectly.*

*(4) For the purposes of consultation the owner shall give the association at least 28 days’ notice in writing of the matters referred to in subsection (3) which—*

*(a) describes the matters and how they may affect the occupiers either directly or indirectly in the long and short term; and*

*(b) states when and where the association can make representations about the matters.*

*(5) For the purposes of subsection (3) an association is a qualifying occupiers’ association in relation to a caravan site if—*

*(a) it is an association representing the occupiers of caravans on that site;*

*(b) at least 50% of the occupiers of the caravans on that site are members of the association;*

*(c) it is independent from the owner, who together with any agent or employee of the owner is excluded from membership;*

*(d) subject to paragraph (c), membership is open to all occupiers who own a caravan on that site;*

*(e) it maintains a list of members which is open to public inspection together with the rules and constitution of the association;*

*(f) it has a chairman, secretary and treasurer who are elected by and from among the members;*

*(g) with the exception of administrative decisions taken by the chairman, secretary and treasurer acting in their official capacities, decisions are taken by voting and there is only one vote for each caravan;*

*(h) the owner has acknowledged in writing to the secretary that the association is a qualifying occupiers’ association or, in default of this, the court has so ordered.*

*(6) When calculating the percentage of occupiers for the purpose of subsection (5)(b), each caravan shall be taken to have only one occupier and, in the event of there being more than one occupier of a caravan, its occupier is to be taken to be the occupier whose name first appears on the agreement.” — [The Minister for Social Development (Mr Attwood).]*

**Clause 10 (Jurisdiction)**

Amendment No 5 made: In page 7, line 2, leave out “seasonal” and insert “caravan”. — *[The Minister for Social Development (Mr Attwood).]*

**Schedule 2 (Agreements under Part 2 of this Act)**

**Mr Speaker:** Amendment No 4 has been made, so I will call amendment No 6.

Amendment No 6 made: Leave out schedule 2. — *[The Minister for Social Development (Mr Attwood).]*

**Mr Speaker:** That concludes the Further Consideration Stage of the Caravans Bill. The Bill stands referred to the Speaker.

Adjourned at 7.07 pm.



# Written Ministerial Statement

**The content of this written ministerial statement is as received at the time from the Minister. It has not been subject to the official reporting (Hansard) process.**

## Oideachas

### Fiosrú ar Mharcáil an Scrúdaithe Ceimice Ard Leibhéal

*Foilsithe ar a 12.00 meán lae Dé Céadaoin 2 Feabhra 2011*

**An tAire Oideachais (Ms Ruane):** Ba mhaith liom a chur in iúl do bhaill an Tionóil toradh an fhiosraithe um theip an phróisis mharcála Chomhairle Churaclaim, Scrúdúcháin agus Measúnaithe (CCEA). Baineann sé leis an pháipéar scrúdaithe ceimice leibhéal A2 a rinneadh i samhradh 2010.

Tháinig CCEA ar an eolas ar 20 Lúnasa 2010 gur tugadh marcanna míchearta sa chuid ilroghnach den pháipéar scrúdaithe A2 Ceimice. Fuair 151 dalta ó thuaisceart na hÉireann gráid níos ísle ná mar a bhí tuillte acu mar gheall air seo.

Cé gur thug CCEA faoin scéal láithreach le gráid chearta a eisiúint agus lena chinntiú nach raibh dalta ar bith faoi mhíbhuntáiste, d'iarr mé ar an Oifig um Rialú Cáilíochtaí agus Scrúdúcháin (Ofqual) – rialtóir neamhspleách cháilíochtaí, scrúdúcháin agus measúnachtaí i Sasana agus rialtóir na ngairmcháilíochtaí i dtuaisceart na hÉireann – d'iarr mé fiosrú seachtrach iomlán a dhéanamh. Bhí dhá chéim ag baint leis an fhiosrú.

B'ionann Céim 1 agus fiosrú láithreach a raibh mar chuspóir aige fáil amach cad é go díreach a tharla, cén fáth ar tharla an teip seo, cad é mar a fuarthas é, cén dóigh ar cuireadh na comhlachtaí ábhartha ar an eolas faoi, cé mhéad iarrthóir a bhí i gceist agus ina dhiaidh sin, tuairisc agus moltaí a dhéanamh don Roinn ar bhearta a chur i bhfeidhm.

## Education

### Chemistry A Level Marking Investigation

*Published at 12:00 noon on Wednesday 2 February 2011*

**The Minister of Education (Ms Ruane):** I wish to advise Assembly members of the outcome of the investigation of the failure in the Council for the Curriculum, Examinations and Assessment (CCEA) marking process in relation to a summer 2010 A2 level chemistry paper.

On 20 August 2010 CCEA became aware that incorrect marks had been awarded in the multiple choice section of an A2 Chemistry paper. This resulted in 151 students from the north of Ireland receiving lower grades than they should have.

Whilst immediate action was taken by CCEA to issue correct grades and ensure that no student was disadvantaged, in view of this serious marking failure I appointed the Office of Qualifications and Examinations Regulation (Ofqual) – the independent regulator of qualifications, examinations and assessments in England and of vocational qualifications in the North of Ireland – to undertake a full external investigation. The investigation was undertaken in two stages.

Stage 1 was an immediate investigation to identify and record what went wrong, how the failure occurred, how it was discovered, how it was communicated to all relevant bodies, how many candidates were affected, with a report and recommendations for immediate action to the Department.

Cuireadh tuarascáil Chéim 1 i gcrích ag deireadh Mí Mheán Fómhair 2010, agus socraíodh gur tharla meancóg mharcála an scrúdaithe Ard Leibhéal Ceimice CCEA mar gheall ar chomhcheangal easpaí sna córais phróiseála, sna socruithe rialaithe cáilíochta, mar gheall ar earráid dhaonna agus réimse thosca rannpháirteacha eile.

Rinneadh 12 mholadh sa tuairisc, agus bhí aird phráinneach le thabhairt ar chuid mhór acu le hullmhú a dhéanamh do shraith scrúduithe an gheimhridh. Dhírigh sé isteach ar cheisteanna um oiriúnacht don fheidhm a bhaineann le bogearra Optical Mark Reader (OMR); dhírigh sé ar shlándáil an bhunachair OMR (le heaspa feidhme den rian iniúchta curtha san áireamh leis), ar leorgacht na nósanna rialúcháin dearbhaithe atá ann faoi láthair; ar struchtúr agus imdháileadh na bhfreagrachtaí laistigh den rann a phróiseálann leatháin na bhfreagraí; dhírigh sé ar cén dóigh a ndéantar measúnú ar na ceisteanna ilroghnacha le linn an phróisis mharcála; agus ar na comhghnásanna um chumarsáid a dhéantar idir na húdaráis rialúcháin.

Leis an eolas a fuarthas i gCéim 1, Leanadh le hathbhreithniú mionshonraithe ar nósanna oibre agus cleachta inmheánacha an Fhorais Cháiliúcháin CCEA, Díríodh isteach ar chórais agus ar nósanna oibre chomh maith le díriú ar bhainisteoireacht, ar rialúchán, ar dhearbhu cáilíochta agus ar ghéilliúntas. Bhí sé ina phríomhaidhm ag an chéim seo na laigí a aithint agus moltaí a dhéanamh ar bhearta a dhéanamh lena chinntiú nach dtarlódh teipeanna dá leithéid sin arís.

Fuarthas tuarascáil Chéim 2 ó Ofqual i Mí na Samhna 2010 agus socraíodh go bhfuil córais agus nósanna oibre ag CCEA a bhfuil bunús maith leo, agus a bhfuil oiriúnacht don fheidhm i gcoitinne leo. Rinneadh naoi moladh áfach, a raibh mar aidhm acu teip san am atá le teacht a laghdú. Cuireadh san áireamh leis seo mar a leanas:

- Athbhreithniú ar nósanna oibre lena chinntiú go bhfuil siad oiriúnach don fheidhm agus go soláthraítear sainmhíniú soiléir ar ról agus freagrachtaí na foirne maidir leis an phróiseas scrúdúcháin;

The Stage 1 report was completed at the end of September 2010, and concluded that the marking error in the CCEA A level Chemistry examination occurred due a combination of deficiencies in CCEA's processing systems, quality control arrangements, human error and a range of other contributory factors.

The report made 12 recommendations, many of them for immediate attention in preparation for the winter examination series and with a particular focus on addressing concerns about the fitness for purpose of the current Optical Mark Reader (OMR) software; security of the OMR database (including the lack of any audit trail function), the adequacy of existing control and assurance procedures; the structure and allocation of responsibilities within the section responsible for processing OMR answer sheets; how multiple choice components are considered during the awarding process; and protocols in communicating within and between regulatory authorities.

Informed by the findings of Stage 1, Stage 2 was a more detailed review of processes and practices within CCEA Awarding Body focusing on systems and processes as well as management, control, quality assurance and compliance. The main aim of this Stage was to identify any weaknesses and make recommendations on measures to be taken to ensure that similar failures do not recur.

The Stage 2 report was received from Ofqual in November 2010 and concluded that CCEA has well documented systems and procedures which are generally fit for purpose. However it made nine recommendations intended to help minimise the possibility of future failures. These included:

- a review of procedures to ensure that they remain fit for purpose and provide a clear definition of roles and responsibilities of staff in relation to the examinations process;



- Athbhreithniú ar na próisis a bhfuil sé mar chuspóir acu imscrúdú a dhéanamh ar é acu a chloíonn na hacmhainní atá dírithe ar an obair seo leis na nósanna oibre agus leis na riachtanais rialaithe nó nach gcloíonn;
- Measúnú riosca uileghabhálach a dhéanamh maidir le seachadadh thorthaí na GCSEanna nua i samhradh 2011 - go mbeidh na torthaí sin cuí agus cothrom agus seachadta faoin am sonraithe; agus
- Athbhreithniú ar na socruithe rialúcháin maidir le feidhm CCEA mar fhoras cáiliúcháin.
- a review of processes for checking adherence to procedures and regulatory requirements and resources dedicated to this work;
- a comprehensive risk assessment in relation to the delivery, on time, of fair and accurate results for the new GCSEs in summer 2011; and
- a review of governance arrangements in relation to the awarding body function of CCEA.

Is é ar dhírigh mé air, agus na tuairiscí seo faighte agam, ná gníomhaíocht dhian thráthúil ó CCEA a chinntiú mar fhreagairt ar na torthaí taighde agus ar na moltaí atá iontu. D'iarr mé plean gníomhartha mionsonraithe a fhorbairt mar sin de leis na moltaí atá sna tuairiscí. Ofqual a chur i bhfeidhm agus feabhsúcháin a sheachadadh le cinntiú go ritheann scrúduithe todhchaí go rianúil. Tá mé sásta anois gurb ann don plean cuí.

Níl ann ach céim sa treo ceart an plean ceart a bheith againn ar ndóigh. Is é an fíordhúshlán ná a chinntiú go gcuirtear na gníomhuíthe agus na hidirghabhálacha atá ann i bhfeidhm mar is ceart. Is dúshlán é sin is mian liom go mbeadh CCEA agus a Chomhairle dáiríre faoi. Caithfidh siad a chinntiú go bhfuil dlúthmhonatóireacht á déanamh ar gach gníomh. Le fírinne, ní mór dóibh dul níos faide ná é sin, ag cinntiú dóibh go gcoinnítear gach gné de phróiseas na scrúduithe faoi athbhreithniú agus go bhfuil feabhsú leanúnach sna próisis sin. Leoga, fáiltím roimh an dul chun cinn atá déanta cheana féin maidir leis na nósanna imeachta a dhaingniú roimh shraith scrúduithe an gheimhridh atá idir lámha faoi láthair.

Tá sé de cheart ag daltaí agus ag a gcuid múinteoirí bheith ag dréim go n-oibreoidh gach céim de phróiseas na scrúduithe mar is ceart – mar atá an obair a bhaineann le páipéir scrúduithe a shocrú; an lóistíocht a bhaineann le hiad a sheoladh chuig na hiarrthóirí agus iad a fháil ar ais arís; na próisis mharcála; agus na socruithe maidir le fios a chur ar na hiarrthóirí faoi na torthaí. Tá mé ag súil go mbeidh mé ábalta a dhearbhuí dóibh gurb amhlaidh atá.

My focus, having received these reports, has been to ensure rigorous and timely action from CCEA in response to the findings and recommendations they contain. I therefore required the development of a detailed action plan designed to implement the recommendations in the Ofqual reports and deliver improvements to ensure that future examinations run smoothly. I am now satisfied that an appropriate plan is in place.

Having the right plan in place is of course only a step in the right direction. The real challenge is in ensuring that the actions and interventions it contains are fully implemented. That challenge is one that I expect CCEA and its Council to take seriously. They must ensure that there is close monitoring of every action. Indeed they must go further than that, ensuring that all aspects of the examinations process are kept under review and that there is continuous improvement in those processes. Indeed, I welcome the progress that has already been made in tightening up procedures in advance of the winter examination series that is currently underway.

Pupils and their teachers quite reasonably expect that every step of the examinations process – the work associated with setting examinations papers; the logistics of getting them to candidates and back again; the marking processes; and the arrangements for communicating results to candidates – will work properly. I expect to be able to assure them that this is indeed the case.

Mar gheall air sin, beidh mo Roinn ag déanamh dlúthmhonatóireachta ar an dul chun cinn, beidh cruinnithe míosúla á n-eagrú againn idir seo agus sraith scrúduithe an tsamhraidh. Is mian liom a chinntiú go bhfaighimid dearbhuithe rialta go bhfuil CCEA ag leanúint ar aghaidh leis na céimeanna riachtanacha a ghlacadh leis an réimse iomlán de ghníomhaíocht leasúcháin a chur i bhfeidhm a shainaithear sna tuairiscí.

Nuair a d'fhógair mé an fiosrú seachtrach i Mí Lúnasa seo chuaigh thart, thug mé tiomantas maidir leis na tuairiscí a sholáthair Ofqual a dhéanamh poiblí chomh luath agus a bhí mé in ann freagairt CCEA a dhéanamh poiblí chomh maith. Bhí a fhios agam gur mhaith leis na baill – mar aon le daltaí, tuismitheoirí agus múinteoirí – fios a bheith acu ní amháin faoi na laigí ach faoin dóigh a rabhtas ag dul i ngleic leo. Caithfidh mic léinn, tuismitheoirí, múinteoirí agus an pobal i gcoitinne muinín a bheith acu as ár gcóras scrúduithe.

Is é sin an fáth a bhfuil mé ag déanamh na tuairiscí Ofqual poiblí inniu, mar aon leis an phlean gníomhaíochta a ceapadh leis an dóigh a bhfuil CCEA ag dul i ngleic le gach ceann de na moltaí a rinneadh. Tá tacar iomlán cáipéisí ar fáil ar shuíomh gréasáin na Roinne Oideachais agus cuireadh cóipeanna díobh i leabharlann an Tionóil fosta.

Athraíonn an fócas anois le cinntiú go bhfuil agus go mbeidh beart á dhéanamh le háirithiú nach féidir ateagmhas d'earráidí den chineál chéanna amach anseo. Is é sin an rud a mbíonn daltaí, múinteoirí agus tuismitheoirí ag dúil leis agus is é an rud a éilím, mar Aire.

For that reason, my Department will also be monitoring progress very closely, holding monthly meetings between now and the summer examination series. I want to ensure that we receive regular assurances that CCEA is continuing to take all necessary steps to implement the full range of remedial action identified in the reports.

When I announced the external investigation last August, I gave a commitment to making public the reports provided by Ofqual as soon as I was in a position also to make public the CCEA response. I knew that members – along with pupils, parents and teachers – would want to know not only what the failings were but also how they were being addressed. Students, parents, teachers and the wider community need to have confidence in our examinations system.

That is why today I am making public both the Ofqual reports and the action plan designed to set out how CCEA is addressing each one of the recommendations made. The full set of documents is available on the Department of Education website and copies have also been placed in the Assembly library.

The focus now shifts to ensuring that action has and is being taken to ensure that there can be no recurrence of similar errors in the future. That is what pupils, teachers and parents expect and it is what I, as Minister, demand.





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