



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

Marine Bill: Proposed Committee
Amendment

15 November 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
Mr Simon Hamilton (Deputy Chairperson)
Mr Cathal Boylan
Mr Tom Elliott
Mrs Dolores Kelly
Mr Francie Molloy
Lord Maurice Morrow of Clogher Valley
Mr Alastair Ross
Mr Peter Weir

The Chairperson: We have received feedback from the Anglo North Irish Fish Producers' Organisation (ANIFPO) and the Northern Ireland Marine Task Force. We were also briefed by the Department. The Committee now needs to consider the draft amendment on displacement. Committee members have some papers, including the draft Committee amendment on displacement and the departmental reply. The Marine Task Force and the fishermen's association responses are in members' packs, as is the Hansard report of last week's briefing on the Marine Bill.

I received a late e-mail from the Marine Task Force requesting a meeting with the Committee on the displacement amendment. We can decide today whether we accept the amendment or defer it and bring in the task force next week or the week after to hear its verbal briefing. The task force has already sent us a page on it, which is in your packs.

Mrs D Kelly: Earlier, Cathal said that the Committee had more or less put to bed the consultation on the Marine Bill and was clearly calling for the legislation to be brought back to the House, and he wanted the Committee to ask the Minister why that had not yet happened. Therefore, if we have put it to bed, it must be asked why the Committee is taking further consultations and considerations.

The Chairperson: This is a late and additional amendment from us that we proposed after hearing from the fishing industry and the Marine Task Force.

Mr Boylan: I was talking specifically about the four points that the Committee had asked about and dealt with relating to the general duty and the Marine Management Organisation (MMO). In other words, those points were raised at the time, and I want to make that clear. I was not talking about the issue that is up for debate here.

The Chairperson: We brought forward this new proposed amendment ourselves.

Mr Boylan: Yes, and the point that I made earlier was on the four issues concerning the MMO and the general duty, which we discussed at the time. This issue arose afterwards.

The Chairperson: Yes. Therefore, members can decide today whether to go with the draft amendment on displacement or have a further meeting with the Marine Task Force. The task force feels that there is a bit of a misunderstanding over what we said, because both the environmental sector and the fishing industry have concerns about displacement, although their concerns clearly differ.

Mr Weir: I think that the amendment is reasonable enough, and I am happy to go with it.

The Chairperson: The task force says that it feels that the clause on economic, social and cultural considerations would be enough to cover displacement issues. It is up to members to decide what to do.

Mr Molloy: I am mindful of the fact that we are adding another amendment after the close of the consultation. We need to be careful, because, at some time, someone will want to propose a late amendment to another piece of legislation that we are dealing with, and we will have to rule the amendment in or out. Once we set the precedent of taking our own late amendment, there is a danger of opening ourselves up to accusations. The amendment can be tabled for consideration in the House. I am of the opinion that once we put forward an amendment, we have to further consult on it.

Lord Morrow: It can be done in reverse. You are right: the amendment can be put in the House, but it also can be withdrawn in the House.

Mr Molloy: Yes.

The Chairperson: I remind you that the Department has brought forward further amendments after consideration.

Mrs D Kelly: We criticised it for that.

Mr Boylan: Chair, that is not the point. When we discussed this at the start, there were four or five issues, and we asked for and got an explanation from the Department. However, other issues arose from that, because we did not get a clear understanding of the process of marine conservation zones (MCZs), and the displacement issue came after that. It is entitled to be debated. That did not happen during the process, but it was only when we had the fishermen up that we recognised the serious issue. The point that we dealt with earlier is slightly different, because we got an explanation and accepted it at that time. This issue came after that and is a different matter.

The Chairperson: The Department came to us last week to explain and to say that it does not seem to anticipate displacement in MCZs and that there may not be a need for the amendment.

Mr Weir: It would be a bit disingenuous for the Department to suggest that there will not be any displacement.

The Chairperson: It is very hard to know.

Mr Weir: It said that it does not anticipate much displacement. The reality is that when you do anything, it will have some impact. Displacement occurs in every form of life.

Mr Boylan: We are in no great hurry because the Bill has not arrived back in the House.

The Chairperson: No, we are not. There is no sign of the Consideration Stage.

Mr Boylan: We could leave it another week.

The Chairperson: We will leave it another week and invite the Marine Task Force to come in.

Mrs D Kelly: I do not think so.

The Chairperson: Its request came only late yesterday afternoon. I can circulate the e-mail to all members.

Mr Weir: Why do we not leave it for another week and take whatever decisions we need to take at that stage?

The Chairperson: Yes.

Mrs D Kelly: We need some guidance. Either we have dealt with the issue or we have not. Either we have put the Committee consultation to bed or we have not.

The Committee Clerk: There is nothing to stop the Committee looking at an issue with a Bill after Committee Stage. There would be an expectation that you would let your colleagues — the other MLAs — know of your decision so that when the Bill comes back for consideration, they will be clear on the Committee's position.

Mr Molloy: I am glad to hear that. When we discussed the dogs legislation in the Agriculture and Rural Development Committee, the Committee Clerk definitely said that once the report is written, that is it.

Mr Boylan: Wrong.

Mr Weir: The kennel door is shut.

Mr Molloy: This seems to be a slightly different variation. It is not a matter of "can be" or "will be" — that is what happened. Do not say that it did not happen — it did.

Mr Boylan: It did not happen in this Committee.

Lord Morrow: The man was there when it happened.

Mr Boylan: I am not debating what happened in other Committees, but I can speak from experience of five years in this Committee that that has always been the way.

The Committee Clerk: Something similar happened with the Wildlife and Natural Environment Bill. When late amendments came in, the Committee was asked by the Assembly to reconsider them. It did that and reported on them.

The Chairperson: What mechanism do we need if we want an additional amendment? Do we need to send a letter to all the MLAs to let them know?

The Committee Clerk: You let your colleagues know by letter what decision has been made. If you do not make any change from the Committee Stage, you do not need to get in touch with them at all, because the discussions will have taken place but no changes will have been made. However, if you take a decision that is different from what you agreed during Committee Stage, you let them know in advance of Consideration Stage.

The Chairperson: Is the e-mail sent to all 108 MLAs?

The Committee Clerk: Yes. That is exactly what you did with the amendments that the Department proposed and asked for the Committee's position on. Those decisions were different from the ones that the Committee made during Committee Stage, and you let your colleagues know about the changes in the Committee position, because the answers that the Department gave during Committee Stage are not consistent with the amendments that it has subsequently proposed, as Mr Boylan mentioned.

The Chairperson: What happens to the new amendments that the Department is bringing forward at the moment?

The Committee Clerk: Do you mean the ones concerning the time periods?

The Chairperson: Yes.

The Committee Clerk: Those are the ones that the Committee was asked to comment on. You sought the opinion of people who had written to the Committee during Committee Stage. Therefore, you consulted and agreed that you were happy for the Department to go ahead with those amendments. That information has been shared with your colleagues.

The Chairperson: Is the Department not bringing forward a couple more amendments that are slightly different versions?

Mr Weir: As previously suggested, a period of reflection until next week may be beneficial to us all.

The Chairperson: Tom wants to come in.

Mr Elliott: I have been sitting patiently. *[Laughter.]*

The Chairperson: Thank you for your usual patience.

Mr Elliott: Francie Molloy is right: there needs to be clear guidance from the Assembly on what Committees can do. I know what he is talking about when he referred to the handling of the dogs issue in the Agriculture Committee. If Committees can amend their own reports, so be it. I am not arguing about that. Rather, I am saying only that there needs to be clarity so that everybody handles situations in the same way.

I was going to ask a question, which I think has been answered, about amendments already having been made to our Committee report. They were made on the back of what the Department rather than we brought forward, but the Committee still agreed them. Therefore, amendments have been made. I broadly support amendments being allowed to come forward, but you have to draw a line somewhere under a Committee report. I am happy to wait until next week. The only thing that I can tell you is that further proposed amendments may come after that. Once we get into that, we need to be prepared for the possibility that more may come.

Lord Morrow: And off we go again.

Mr Elliott: Yes; that is right.

Mrs D Kelly: You would think that he would remember that the Bill is about Westminster and EU requirements.

Mr Molloy: That is an important point, because this went through this Committee and the Agriculture Committee before it, and we were blamed for holding up the legislation. There was some criticism of why the Department had not taken action. However, the Committee supported the fishermen in the past. The Department is not coming forward with this legislation within a certain time, but we need to be careful not to be seen as, and criticised for, holding up the Bill again.

The Chairperson: It is definitely not us. We produced our report well on time.

Mr Elliott: Are we giving the Minister and the Department an opportunity to say that they will not move on the Bill because the Committee is still considering amendments to its own report?

Lord Morrow: They will probably use the word "dithering".

Mr Elliott: I only say that. I do not know whether that is true.

The Committee Clerk: Once Committee Stage is over, the Bill refers back to the Department. It is at the Department's discretion when to bring it back to the Assembly. If the Committee did or did not decide to do something in that time, and ran out of time, it certainly could not be accused of holding up

the Bill at the stage at which it is back with the Department. It is for the Department to decide when it comes forward. Therefore, what you do, in this instance —

Mr Molloy: Chair, there is a simple mechanism: we can go back into Committee Stage. I think that once an amendment is put forward from the Committee, you have to go back into Committee Stage to allow for proper consultation. The other way is to table the amendments in someone's name in the House, with the Committee's support. That is cleaner than putting it through as another addition to the Committee report.

The Chairperson: However, that is different from a proposed Committee amendment, which this is. It is not an individual member's amendment.

The Committee Clerk will check the procedure so that we are absolutely clear on this and can move forward with a further amendment from the Committee. OK, members, we will leave it like that.