

Official Report (Hansard)

Monday 24 September 2012
Volume 77, No 5

Contents

Assembly Business

Exclusion of Minister.....	1
----------------------------	---

Executive Committee Business

Landlord Registration Scheme Regulations (Northern Ireland) 2012	20
--	----

Tenancy Deposit Schemes Regulations (Northern Ireland) 2012.....	25
--	----

Oral Answers to Questions

Agriculture and Rural Development	27
---	----

Culture, Arts and Leisure.....	33
--------------------------------	----

Executive Committee Business

Tenancy Deposit Schemes Regulations (Northern Ireland) 2012 (<i>continued</i>).....	40
---	----

Committee Business

Criminal Justice Bill: Extension of Committee Stage	41
---	----

Private Members' Business

Housing Benefit	42
-----------------------	----

Animal Cruelty	53
----------------------	----

Suggested amendments or corrections will be considered by the Editor.

They should be sent to:

The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.

Tel: 028 9052 1135 · e-mail: simon.burrowes@niassembly.gov.uk

to arrive not later than two weeks after publication of this report.

Assembly Members

Agnew, Steven (North Down)
Allister, Jim (North Antrim)
Anderson, Sydney (Upper Bann)
Attwood, Alex (West Belfast)
Beggs, Roy (East Antrim)
Bell, Jonathan (Strangford)
Boylan, Cathal (Newry and Armagh)
Boyle, Ms Michaela (West Tyrone)
Bradley, Dominic (Newry and Armagh)
Bradley, Ms Paula (North Belfast)
Brady, Mickey (Newry and Armagh)
Brown, Ms Pam (South Antrim)
Buchanan, Thomas (West Tyrone)
Byrne, Joe (West Tyrone)
Campbell, Gregory (East Londonderry)
Clarke, Trevor (South Antrim)
Cochrane, Mrs Judith (East Belfast)
Copeland, Michael (East Belfast)
Craig, Jonathan (Lagan Valley)
Cree, Leslie (North Down)
Dallat, John (East Londonderry)
Dickson, Stewart (East Antrim)
Dobson, Mrs Jo-Anne (Upper Bann)
Douglas, Sammy (East Belfast)
Dunne, Gordon (North Down)
Durkan, Mark (Foyle)
Easton, Alex (North Down)
Eastwood, Colum (Foyle)
Elliott, Tom (Fermanagh and South Tyrone)
Farry, Stephen (North Down)
Fearon, Ms Megan (Newry and Armagh)
Flanagan, Phil (Fermanagh and South Tyrone)
Ford, David (South Antrim)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)
Gardiner, Samuel (Upper Bann)
Girvan, Paul (South Antrim)
Givan, Paul (Lagan Valley)
Hale, Mrs Brenda (Lagan Valley)
Hamilton, Simon (Strangford)
Hay, William (Speaker)
Hazzard, Chris (South Down)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Hussey, Ross (West Tyrone)
Irwin, William (Newry and Armagh)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kennedy, Danny (Newry and Armagh)
Kinahan, Danny (South Antrim)
Lo, Ms Anna (South Belfast)
Lunn, Trevor (Lagan Valley)
Lynch, Seán (Fermanagh and South Tyrone)
Lyttle, Chris (East Belfast)
McAleer, Declan (West Tyrone)
McCallister, John (South Down)
McCann, Fra (West Belfast)
McCann, Ms Jennifer (West Belfast)
McCarthy, Kieran (Strangford)
McCartney, Raymond (Foyle)
McCausland, Nelson (North Belfast)
McClarty, David (East Londonderry)
McCorley, Ms Rosaleen (West Belfast)
McCrea, Basil (Lagan Valley)
McCrea, Ian (Mid Ulster)
McDevitt, Conall (South Belfast)
McDonnell, Alasdair (South Belfast)
McElduff, Barry (West Tyrone)
McGahan, Ms Bronwyn (Fermanagh and South Tyrone)
McGimpsey, Michael (South Belfast)
McGlone, Patsy (Mid Ulster)
McGuinness, Martin (Mid Ulster)
McIlveen, David (North Antrim)
McIlveen, Miss Michelle (Strangford)
McKay, Daithí (North Antrim)
McKevitt, Mrs Karen (South Down)
McLaughlin, Ms Maeve (Foyle)
McLaughlin, Mitchel (South Antrim)
McMullan, Oliver (East Antrim)
McNarry, David (Strangford)
McQuillan, Adrian (East Londonderry)
Maginness, Alban (North Belfast)
Maskey, Alex (South Belfast)
Molloy, Francie (Mid Ulster)
Morrow, The Lord (Fermanagh and South Tyrone)
Moutray, Stephen (Upper Bann)
Nesbitt, Mike (Strangford)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
Ó hOisín, Cathal (East Londonderry)
O'Dowd, John (Upper Bann)
O'Neill, Mrs Michelle (Mid Ulster)
Overend, Mrs Sandra (Mid Ulster)
Poots, Edwin (Lagan Valley)
Ramsey, Pat (Foyle)
Ramsey, Ms Sue (West Belfast)
Robinson, George (East Londonderry)
Robinson, Peter (East Belfast)
Rogers, Sean (South Down)
Ross, Alastair (East Antrim)
Ruane, Ms Caitriona (South Down)
Sheehan, Pat (West Belfast)
Spratt, Jimmy (South Belfast)
Storey, Mervyn (North Antrim)
Swann, Robin (North Antrim)
Weir, Peter (North Down)
Wells, Jim (South Down)
Wilson, Sammy (East Antrim)

Northern Ireland Assembly

Monday 24 September 2012

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

Members observed two minutes' silence.

Assembly Business

Exclusion of Minister

Mr Speaker: The first item of business is a motion signed by 30 Members, under section 30 of the Northern Ireland Act 1998, in relation to the exclusion of the Minister for Social Development from office.

The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. The Minister for Social Development will have 15 minutes to respond. All other Members who wish to speak will have five minutes. I advise Members that the vote on the motion will be on a cross-community basis.

Dr McDonnell: I beg to move

That this Assembly, in accordance with section 30 of the Northern Ireland Act 1998, resolves that the Minister for Social Development no longer enjoys the confidence of the Assembly and that he be excluded from holding office as a Minister or junior Minister for a period of three months because he failed to observe the terms of paragraphs (cd) and (g) of the Pledge of Office and the sixth paragraph of the ministerial code of conduct, in that he failed to promote good community relations and did not condemn actions which were contrary to the rule of law in his public response on 25 August 2012 to the sectarian behaviour of the Young Conway Volunteers flute band on 12 July 2012 and their illegal violations of a Parades Commission determination.

This House was constituted in order to give power back into the hands of local people so that we could mould our own future: a future free from fear; a future founded on respect; a future where the rule of law took the place of the rule of terror; and a future where our communities could come together in partnership, showing tolerance for our

differences and embracing dignified compromise. Some of us have even dared to dream, for over 40 years, of a civilised society where that might be possible. We dared to hope that we were moving in the right direction. After all, we have the local Executive taking charge of our regional affairs, with many people showing leadership as we strive to achieve our aspirations.

A cold and cruel shadow was cast over those hopes this summer when the ugly, ugly face of sectarianism showed itself outside St Patrick's Church on Donegall Street in north Belfast on 12 July in the form of the Young Conway Volunteers Flute Band. The Minister for Social Development, who represents the area, was asked whether he could condemn the actions of the band. He failed to do so. He ducked and dived and in fact, in the end, he justified them. He said that the band was simply playing a pop tune, that it was not really provocative, that it was outside an empty building and that there was nobody there to be provoked. On 25 August, that same band joined a number of other bands to defy a legally binding determination by the Parades Commission that they should not play music while walking past St Patrick's Church. The Minister was asked to condemn that illegal activity, and he failed to do so again. Instead, he tried to justify those defiant acts of criminal disobedience as some sort of minor civil disobedience.

When Nelson McCausland became a Minister, he signed up to the ministerial code, which includes a Pledge of Office and a code of conduct. In those, he promised to uphold law and order and to promote good community relations. We contend that his failures to condemn the actions on those two occasions — we accept that he condemned belatedly the violence that arose from that — constitute a failure to uphold law and order and to promote good community relations, and he must face the consequences. Members on the Benches opposite are keen to trumpet an unwavering commitment to the rule of law when it comes to rioting or provocative behaviour on the part of others — they are right to do so — and so are

we. However, justice is based on balance, and we must be brave enough to condemn provocative and illegal actions among our own communities, friends and associates. That is where the Members opposite fall down, at least when it comes to the parading issue.

Let us be clear: whether or not we like the determinations of the Parades Commission, it is the only regulatory body for parades that we have. Members from all parts of the House have had cause to disagree with it at various times. In some instances, we have fervently disagreed with it, but it is the law and its decisions are binding. Therefore, to break its determination is to break the law. Do not just take my word for it. I want to take you back to a quotation from the First Minister, who is present here. On 5 September, speaking on camera in response to a question about whether he condemned the breach, he said:

"I condemn the decisions of the Parades Commission but when those decisions are taken then that becomes the legal requirement."

The legal requirement is a requirement under the rule of law. Mr McCausland did not condemn that breach of the requirement and did not visibly uphold the rule of law, and, in that, he broke the ministerial Pledge of Office.

The behaviour of bands and their supporters on the Twelfth and on Black Saturday was triumphalist, provocative and moved far beyond any legitimate celebration of culture into an ugly display of purported cultural supremacy. Representatives of one tradition feel that the legal determinations do not apply to them and that somehow or other they are above the law. That type of action pits one community against the other and does not lead to improving community relations. Mr McCausland did not condemn those actions and did not promote good relations, and he broke the ministerial code. Even more than that, for a long time, until the PSNI advised him to take it down, he put at risk a human rights activist and a parade monitor by publishing his private address on a blog. Those are not the actions of someone keen to serve the whole community.

The prima facie case against the Minister is clear and unambiguous. He has a duty to keep the promise he made when he took office, and he has failed in that duty. He failed to condemn those breaches. More than that, he tried to excuse, justify and condone them. He hid behind the deeply disingenuous defence that it was some sort of minor civil disobedience. This was disobedience, all right, but it was anything

but civil. It was a display of contempt and disrespect and a celebration of sectarianism. Clearly, it was illegal disobedience.

Mr McCausland tries to dismiss our action and our questioning by saying that the SDLP has no right to object to civil disobedience because it was born out of civil disobedience. He is right: we were born out of the civil rights movement that swept across the globe in the 1960s. Men and women everywhere were fighting for justice, fair play, respect, an end to gerrymandering and an end to job and housing discrimination, all of which were propagated by a discredited regime sitting in this House. We stand by our record. Civil disobedience was sought for basic human rights. It was not illegal disobedience. *[Interruption.]*

Mr Speaker: Order.

Dr McDonnell: No one could condemn those who campaigned at Caledon or marched across the North for human decency and respect. They were not marching for division. They wanted a sense of fairness, not supremacy, to prevail. However, you can condemn the actions of the Conway band on the Twelfth and of those who broke the lawful determinations of the Parades Commission on Black Saturday. Make no mistake: that was not civil disobedience; that was a criminal act, criminal disobedience.

The Minister is a theologically minded man. He may be aware of the concept in some biblical teachings of the sins of omission. That is what we ask him to make atonement for today, because he has shown that, however noisily the DUP has shouted over many issues in the past 40 years, inactions often speak louder than words. In doing so, we have appealed for broad support. We are pleased to bring Sinn Féin on board after a long period of discussion, and we will be pleased to walk through a Lobby today with its Members, the Green Party and others. Likewise, though they, disappointingly, did not sign the motion, we are delighted that indications from the Alliance Party are that its Members intend to take a principled stand on this matter too. *[Interruption.]*

Mr Speaker: Order.

Dr McDonnell: To others in the Chamber, let me say that we are not trying to score points off an individual or a party. *[Laughter.]* That profits nobody, and silly schoolboy giggling does not help us either.

Mr Speaker: Order. Allow the Member to continue.

Dr McDonnell: We are not playing petty politics here. *[Interruption.]* This is a serious matter.

Mr Speaker: Order.

Dr McDonnell: This is a very serious matter. *[Interruption.]*

Mr Speaker: Order.

Dr McDonnell: The dignity of the House, our Executive and individual Ministers is at stake. We are not, as the Minister would have it, pursuing a narrow, sectarian agenda. *[Interruption.]*

Mr Speaker: Order.

Dr McDonnell: No, No. Sorry, Mr Speaker — *[Interruption.]*

Mr Speaker: Order. Allow the Member to continue.

Dr McDonnell: The Minister does not have to look to me. He has only to look at his DUP ministerial colleagues: Mr Poots, Mrs Foster, Mr Wilson and, indeed, the First Minister himself. They are not guilty of this stupidity.

Mr Speaker: The Member's time is almost gone. *[Interruption.]* Order.

Dr McDonnell: This is a blatant breach of the ministerial code of conduct and the Pledge of Office.

12.15 pm

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Tugann Sinn Féin tacaíocht don rún leis an SDLP, agus molaim an rún don Tionól. Sinn Féin is jointly supporting this motion with the SDLP and recommends the motion to the House. I thank my colleagues in Sinn Féin and the SDLP. Gabhaim buíochas le mo chomhghleacaithe i Sinn Féin agus san SDLP.

No right-thinking person who watched the sectarian scenes outside St Patrick's Church could have come to any conclusion other than that the determination issued by the Parades Commission had been deliberately breached, with the intention of causing offence to the community and the parishioners of St Patrick's.

Using the excuse of civil disobedience is a nonsense to justify unacceptable behaviour retrospectively. Minister McCausland repeatedly failed to condemn the sectarian behaviour of the bands and their supporters. Nelson McCausland is a Minister in the Executive, and it is important that he shows political leadership. There is a simple, sensible solution to all this: Nelson McCausland should apologise immediately. The question is whether he is prepared, even at this stage, to encourage the loyal orders to engage with residents. Tá seans aige a thaispeáint go dtugann sé tacaíocht don réiteach. He has an opportunity to show that he is for solutions. The responsibility of Ministers is to lead, not to pander to sectarianism. I ask Minister McCausland whether, on reflection, he would do anything differently.

I end by paying tribute to all those who have worked in the interfaces and communities — the churches, the ex-prisoners on all sides and members of the Policing Board — to ensure that we build a society that is free from sectarian harassment. Their work is in stark contrast to the failure of leadership to date of Nelson McCausland.

Mr P Robinson: As a society, we have moved forward very considerably. We have made real progress, and it is in that context that I find today's motion not only disappointing but, indeed, depressing. The proposer said that his motion was not part of a narrow sectarian agenda. He is perfectly right: there is nothing narrow about it, but it is clearly a sectarian agenda with a sectarian tag team tabling the motion. It was, effectively, a sectarian rant from the proposer. I find it frustrating to waste time listening to this when there are many serious issues that the Assembly could be addressing. The Member will know that the motion is one of the most serious kinds of motion to bring to the Assembly: it deals with the exclusion of a Minister. As he said, it is not because the Minister did anything; it is because, in his view, the Minister refused or failed to do something.

I note that there is a distinct absence of Ministers from the SDLP and Sinn Féin present, or I would ask them this directly: does the SDLP Assembly membership condemn the breaking of the law, the entering and possession of houses and the illegal parades carried out by the civil rights movement and the founding fathers of its party? Will one of them stand to their feet now and say that they condemn that? Will any Member of Sinn Féin, which is happy to be the dog wagged by the SDLP tail, stand up and condemn the brutal murders that took place in Northern Ireland as a result of the

actions of the Provisional IRA? Will any of them stand up and condemn the Provisional IRA for that? Not one of them. All of them are guilty of a refusal to condemn the very thing of which they accuse the Minister. The people who tabled the motion, which condemns the Minister for not doing something, are not prepared to do it themselves. They were invited to do it, and they failed to do it. That shows you the kind of motion that we have before the Assembly today. They never believed that their motion would be successful. They knew that their motion required a cross-community vote, and they knew that it would be rejected. Not only do they not have a case to bring to the Assembly but they knew that the so-called case would be rejected. We have to ask ourselves, therefore, why they brought the motion. What was the purpose? There is only one purpose, on which the SDLP and Sinn Féin are united, which is to raise tensions in the preliminary stages of a march that will take place this weekend. There is no other purpose. They have been doing it outside the Chamber, which is why I know that this is part of that same proposition. They choose a Minister from north Belfast and decide to try to demonise him, just as they have attempted to demonise the unionist community as a whole. They have been going to the Parades Commission to try to hike up the tensions, and they have been ratcheting it up with their statements. That is what this is part of. You heard that in their remarks. Those remarks did not directly relate to the Minister but to the issues around St Patrick's.

Let us be very clear: I warn the Members opposite of the dangers involved in heightening community tensions at such a time. I believe that the Orange Institution has taken a very responsible position. It recognised that there was a problem at St Patrick's, it met the parish priest there and invited him to bring along whomever he wanted —

Mr G Kelly: Will the Member give way?

Mr P Robinson: No, I will not give way. I have only five minutes, so I have very few seconds left.

It did the proper thing. It tried to deal with the problem and came forward with a resolution that said that its members would show respect and play hymns as they went past the church. That seemed to be removing the tension. The Black Institution suggested that it wanted to apologise, and the Orange Institution endorsed that. I would have thought that they had taken all the steps to reduce community tensions,

while the parties opposite are doing everything that they can to heighten those tensions.

Mr Speaker: The Member's time is almost gone.

Mr P Robinson: They should be ashamed.

Mr Attwood: Will the Member give way?

Mr P Robinson: If the Members wants to say that he is going to—

Mr Attwood: Will the Member give way?

Mr P Robinson: I will give way to the Member — *[Interruption.]* Do not harangue me from the back.

Mr Speaker: The Member will have a minute added to his time.

Mr Attwood: Will you give way?

Mr P Robinson: If the Member wants to stand and condemn the founding fathers of the SDLP for civil disobedience, I will certainly give way to him. Is that what he wants to do?

Mr Speaker: The Member's time is up.

Mr P Robinson: Is that what he wants to do?

Mr Attwood: Will you give way?

Mr Speaker: Order.

Mr P Robinson: He does not want to do that. He refuses to condemn them.

Mr Speaker: Order. The Member's time is gone.

Mr Nesbitt: The motion is couched in the rules and protocols of the House. However, outside some sort of forensic examination of paragraphs (cd) and (e) of the Pledge of Office and the sixth paragraph of the ministerial code of conduct, this is a broader issue. The two contexts in which we have to view the motion are inside and outside the Stormont bubble. Inside the bubble, the motion proposes that we tell Nelson McCausland that we no longer have confidence in him. I am no apologist for Nelson McCausland, and I am no apologist for the Democratic Unionist Party. My councillors tell me about the verbal kickings they get every week up and down the country, and I observe how some of my colleagues are treated by the

Democratic Unionist Party in the Chamber. It tends to tackle the man or the woman instead of the issue. *[Interruption.]*

Mr Speaker: Order.

Mr Nesbitt: That does not, in any sense, promote good relations, and that is not the way that I want to do politics.

When the late Harold McCusker opposed the Anglo-Irish Agreement, he went to jail — twice, from memory — because he felt so passionately about what was happening. However, he took that on himself and did not, at any time, take to the streets and risk provoking a riot. Indeed, I am pretty sure that there are pictures of him opposing a riot and stopping violence outside Maryfield. He also, of course, sat with Frank Millar, then of my party, and Peter Robinson of the —

Mr Speaker: Order. I have given all Members some latitude in and around the motion. Once again, I am listening to the Member very carefully — *[Interruption.]* Order. Let us, as far as possible, stick to the motion that is before the House and allow the Member some latitude.

Mr Nesbitt: Mr Speaker, I am grateful for your latitude. I was attempting to give context, but, as you desire, I will go to the context of the day.

Will we support a motion of no confidence in Minister McCausland? Well, we will have to factor in issues such as the conduct of Conor Murphy during his time as the Minister for Regional Development, John O'Dowd's trouble with public appointments and the questions being asked about employment trends in DCAL. It seems to me that many processes are honoured in the breach, rather than the practice. We have tabled a question for urgent oral answer about the appointments process for in respect of the Maze/Long Kesh, which was due to be answered on Tuesday. I would rather debate that, but we still do not have the answer to provoke a debate.

The Ulster Unionist Party would like to use the debate to put down a marker. Everybody needs to be careful about their words and actions, and I urge all Members to remember the week that is in it outside the Stormont bubble. We need to set the tone and demonstrate leadership this week. If mistakes have been made and we could have done better, we need to show leadership by standing up and accepting that we made a mistake and could do better. We need to say so. Are we going to endure the decade ahead of us, just

get through it or celebrate it? My party will listen to the debate carefully and then decide.

Mr Dickson: Mr Speaker, thank you for the opportunity to participate in the debate. The Alliance Party will support the motion. *[Interruption.]*

Mr Speaker: Order, Members.

Mr Dickson: The tensions and fears around parading this summer and the sickening violence that accompanied it, leading to the injury of dozens of our police officers, are symptoms of ongoing problems in this society. In the year that has been described as "Our Time Our Place", when we are inviting the world to come to Belfast, those scenes of violence and disorder are easily shared digitally across the world. They have done nothing for our global image. In that context, it is especially important that those in positions of leadership, particularly Executive Members, show leadership in support of the rule of law. Quite simply, there is no other way.

People may not like the rulings of the Parades Commission, but, if we are to have a debate on changing and reforming that body, it should not take place in the middle of the parading season or in the street or in the midst of violations of its rulings, violence and disorder. The debate should take place in this Chamber. Whether one views the commission as flawed or imperfect, it currently provides the only way of making such determinations until others in this Chamber come together to negotiate a viable alternative.

As elected representatives, we have a duty to encourage those involved in parades and those opposing parades to abide by the commission's rulings. However, there is an even higher standard required of our Ministers: not only to abide by the rulings of the Parades Commission but to uphold those rulings. By failing to support its legally made determination and clearly condemn the violence and the threat of violence, this Minister has undermined good relations, support for the police and the rule of law. We believe that that stands as inconsistent with holding ministerial office. The pledge of that office requires him:

"to uphold the rule of law based as it is on the fundamental principles of fairness, impartiality and democratic accountability, including support for policing and the courts as set out in paragraph 6 of the St Andrews Agreement;"

That demands support for all policing and criminal justice institutions. We cannot have different standards in Northern Ireland or standards that are different from other jurisdictions.

The Minister said that he could not condemn the actions of the band in breaking the commission's ruling, even though the footage appeared very quickly after this occurrence. He said that it was because the investigation had not been completed. Yet, the same Minister rightly condemned the conduct of dissident republican rioters in Ardoyne in July when a video appeared showing a gunman firing shots at the police. The investigation had not been completed in that case, but the Minister condemned it anyway.

The issue is not whether violence occurs or the commission's rulings are broken but whether the law is violated. If evidence exists that the law was broken, condemnation should be forthcoming. Perhaps Winston Churchill was right when he said that unionists

"uphold all law except the law they choose to break."

When Ministers in Westminster have broken the ministerial code, they have apologised. Our society should demand nothing different. If we are to move beyond division and into normalisation, the standards of modern democracy must be upheld.

Some may see this motion as pointless. It has already been pointed out that the Democratic Unionist Party can block it under the cross-community voting rules. I appeal to others to help us to avoid that. Nevertheless, the debate can serve as a proxy to enable MLAs to state clearly their views on the importance of the rule of law and to censure the Minister for his repeated failures in that regard. We hoped that he would apologise and retract his comments, and we still believe, although comment has been made about the sensitivity of the situation at this late hour, that the Minister would do so. That would help to resolve the situation rather than add to the tensions.

This is not about political opportunity or opportunism on the part of the Alliance Party. Our record is clear. We took out indictments in July 1996 against the DUP and the Ulster Unionists; in January 1998 against the Ulster Democratic Party; and in February 1998 against Sinn Féin. On all three occasions, the British and Irish Governments were annoyed with the Alliance Party. However, our actions, arguably, brought some added integrity to the talks,

assisted a positive outcome and helped delivery and commitments, in due course. By supporting the motion, we hope to bring some integrity back —

Mr Speaker: The Member's time has almost gone.

Mr Dickson: — to our political process and the institutions, in moving forward.

12.30 pm

Mr Campbell: I share the sentiments and comments of the First Minister in expressing disappointment at the fact that a motion such as this has come before the Chamber, given the other problems that Northern Ireland faces not just over the course of this week but in the weeks and months ahead. Unfortunately, those who tabled the motion have chosen to do so, and we must respond.

As the motion comes from the SDLP, the unionist community will look on it as extremely rich to attack and criticise a unionist Minister for a statement that he made regarding civil disobedience. Of all the parties in Northern Ireland to lambast, criticise or bring a motion against a Minister on the basis of a comment regarding civil disobedience, the past masters of civil disobedience are the SDLP. They almost patented the phrase. We will not go back to 1969 and 1970 and how they brought people onto the streets courtesy of civil disobedience, the outcome of which we are all only too painfully aware of. SDLP leader, Alasdair McDonnell, talked about daring to dream and daring to hope. The next phrase, which he did not use, was daring to do. Of course, they have gone and done it today, without thinking through the implications and criticisms that will come their way as a result of doing it. He used the phrase "criminal disobedience" twice. I do not think that we want to go back and rehearse all that happened in the exceptionally difficult circumstances that the Minister and every other political representative were faced with in July and August in north Belfast. Rather, we should try to ensure that we work towards a resolution of those problems.

I notice that neither the SDLP nor any other party tabled a similar motion when there were parades in Dungiven, in my constituency, and there were not one but two Sinn Féin Ministers present at the parade. In one of those parades, a republican band stopped to play outside the Church of Ireland church in Dungiven in County Londonderry. The same Parades Commission

that Mr McDonnell lauded as an example of virtue indicated that there were no objections, despite having received a letter from me stating the objections months before that parade took place. However, there were no motions, no tabling of censure motions or criticisms in the press of Sinn Féin Ministers. Of course, we have had other instances of Sinn Féin Ministers' appointments to various bodies. You will be glad to hear, Mr Speaker, that I will not go off at a tangent, but there was no mention of censure there of Ministers who, on the face of it, appear not to have carried out their duties appropriately. The best that we can do with the motion is deal with it succinctly, positively, rationally and dismiss it as soon as possible.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Beidh mé ag labhairt i dtacaíocht an rúin. I support the motion. The motion is before the Assembly because the Minister for Social Development failed to live up to the Pledge of Office that he took when he accepted his ministerial position on 16 May 2011 and, with it, all of his responsibilities. Whatever disappointments anyone has about the motion, its origin lies firmly at the door of the Minister for Social Development and nowhere else.

The pledge that he took is very clear and precisely defined in relation to a Minister's responsibility to uphold the rule of law. The code of conduct lays out how that pledge should be practised. In particular, the Minister, by stating that those who deliberately and knowingly broke a determination of the Parades Commission — in this instance, the prohibition of bands playing as they passed St Patrick's chapel on 25 August — were, in his words, totally justified, is in clear breach of that pledge.

A determination of the Parades Commission is legally binding, and those who deliberately and knowingly breach it are open to prosecution. In essence, the Minister is in contravention of the terms laid out in the Pledge of Office. The Minister for Social Development, somewhat belatedly, qualified his position by stating that those who broke the law were participating in an act of civil disobedience. Apart from doing a disservice to any definition of civil disobedience, it looked as if he was trying to recover from his inability to provide leadership by coming up with what can be best described as a fig-leaf defence. Ironically and significantly, those who breached the determination that day made no such contention. There was no statement from them on the day that that was an act of civil disobedience. Indeed, the organisers of the march, the Black Preceptory, issued a public apology for the offence caused by those who played music as they passed St Patrick's

chapel. There was no support or succour given to any concept of civil disobedience.

Lord Morrow: I thank the Member for giving way. As he is talking about an apology, is it his intention today to apologise for the behaviour outside the local Church of Ireland church in Dungiven?

Mr Speaker: The Member has a minute added to his time.

Mr McCartney: You see, we are getting the defence today — *[Interruption.]*

Mr Speaker: Order. The Member has the Floor. The Member must be heard.

Mr McCartney: We are getting the defence today, which is, "You have done this, you may have done that, and we may have done that." Let us stick to the issue. Was the Minister for Social Development — *[Interruption.]*

Mr Speaker: Order.

Mr McCartney: Every time someone from the opposite Benches gets up and points the finger in the other direction, in essence they are deeming their own Minister guilty. What was missing from all of that, and is missing now, is leadership. If there was ever a time for leadership, it is now. The Minister failed to show good and effective leadership on 12 July, when the YCV band danced a merry ring around St Patrick's chapel. He described that as normal behaviour. I have not been to too many Orange or loyal order parades, but I ask all Members here: is it normal practice that, when a band stops, they dance around in a circle in the way they did?

Some Members: Yes.

Mr Speaker: Order. Members should not debate across the Chamber.

Mr McCartney: It is interesting. I ask Mr Nesbitt —

Mr Speaker: Make your remarks through the Chair.

Mr McCartney: Through the chair, I ask Mr Nesbitt: in all his time reporting, did he ever see that, or see it as normal practice? *[Interruption.]*

Mr Speaker: Order.

Mr McCartney: The Minister failed to show leadership by not calling for or facilitating dialogue between march organisers in August, and ever since. A lot of people this morning have mentioned the week that is in it. For the week that is in it, let us remember the example in Derry, where leadership worked and where dialogue delivered. The Pledge of Office that he, as Minister, took should point him in that direction, instead of trying to justify the unjustifiable.

Mr Bell: I have known Nelson McCausland literally since I was a baby, because he used to babysit me. Over those 42 years of my life, I have known Nelson to be a man of the finest Christian integrity. He is a man who has always upheld the law, who is one of the finest Ministers in the House, and who has worked hard across the detail of his brief.

When the motion came before us today, it was known that it would automatically trigger a cross-community vote and that it would automatically fail. People have to ask the question: why did they insist on bringing it forward? I do not know about the Members on the opposite Benches who tabled this motion, but I was out and about in Strangford at the weekend. People are talking about jobs and the economy, the impact of welfare reform and the good work that Nelson is doing trying to make sure that people who are caught in housing crisis and single tenancies, and the difficulties of that — they are looking to Nelson for the flexibility that he can show to protect them. Do we have a motion on the economy, on welfare reform, or on how we can assist people who are most in need? No. We have a sectarian motion. *[Interruption.]*

Mr Speaker: Order.

Mr Bell: The motion is sectarian in nature, because the Members on the opposite Benches will never condemn the sectarian behaviour of the protestors. They will only ever refer to the parade. Why is it correct for the IRA's supporters and bands to parade outside a Protestant church in Dungiven and never to get the same coverage in the media as the YCV band? Why is it OK to put up an IRA memorial to terrorists outside a Protestant church and for nothing to be brought before this House?

Mr Storey: Will the Member not also accept that the person who proposed the motion had no difficulty in standing with republicans of every hue, colour, shade and size in the village of Rasharkin during the summer? I never heard one condemnation of the antics and actions of

those who brought discredit and disgrace to the village of Rasharkin, but that Member was quite content to stand with those who had a sectarian agenda during the summer. There was no apology from him.

Mr Speaker: Order. The Member will have a minute added onto his time. I ask all Members to come to the debate that is before the House.

Mr Bell: I fully concur with the Member's point about the leader of the SDLP. I would have liked to hear him say when he is going to propose a motion in the House condemning the behaviour of Colum Eastwood and his colleague Durkan, who paraded behind dissidents. Does the D in SDLP now stand for dissident — sectarian and dissident? They paraded behind dissidents and then the masks came on and the gloves came out. Will the leader of the SDLP condemn the behaviour of those Members?

Mr Speaker: Order. I ask the Member to come back to the motion.

Mr Bell: It is a sectarian dissident leader who appears to be bringing forward this attack on Nelson McCausland, and he would do well to remember that when he points the finger at others, three point back at him; at least one at Colum Eastwood and at least one at Mark Durkan.

What I cannot understand is that we should be putting our minds towards facing the crisis of welfare reform. Nelson certainly is. Ninety minutes of his time has been taken up in the House by a motion that was going to fail from the very beginning. All I can think of are Bill Clinton's words, "It's the economy, stupid".

We need to go back and remember the words, "Let him that is without sin cast the first stone". The First Minister dealt with that to deafening silence. Mike Nesbitt does not know what his policy is. *[Interruption.]*

Mr Speaker: Order.

Mr Bell: We have Mr Mike "no policy" Nesbitt, who does not know what he is going to do at the moment. Let me tell you something, Mike. You said, in relation to Harold McCusker, who was a hero of mine —

Mr Speaker: Order. Members must not address other Members inappropriately.

Mr Bell: Through the Chair, let me talk about Harold McCusker, who was a hero of mine. I know that Mike Nesbitt is new to the game, but he clearly knows nothing about Harold McCusker's integrity, because he said that he never paraded illegally. As a 16-year old boy I watched Harold McCusker parade illegally round Belfast City Hall in protest against draconian laws, and he went to jail for it. So maybe he should learn before he makes foolish comments about some of the past heroes of unionism. Most people got a conference bounce; he got a conference poll that told him that he was behind the Alliance Party.

Mr Speaker: Order. The Member must return to the motion.

Mr Bell: Let us deal with the issue of the demonisation of the Orange Order. With no disrespect to the Members opposite, the Orange Order has been here for generations before them and will be here for generations after them.

Mr Speaker: Order. The Member must come back to the motion.

Mr Bell: Nelson McCausland has always sought to defuse tension and provide leadership on the ground. That is the leadership that we need in advance of next weekend. Next weekend can and should pass off peacefully, and it is up to the Members opposite, because I believe that the only attack on that parade will come from supporters of each of their parties.

Mr Poots: The Member will recall that, on the day of that parade, seven police officers were injured by the protestors. Will he give others the opportunity to condemn the protestors who injured the police officers on that occasion?

Mr Bell: The Member makes his point very well. They will have an opportunity in summing up to condemn the protestors. Let us look to a new agenda and to a new future *[Interruption.]*

Mr Speaker: Order. Members should not debate across the Chamber.

Mr Bell: I will say to Sinn Féin and Caitríona Ruane — if she would put down her book on Colombian birdwatching for long enough — that we will not take lectures from those who ethnically cleansed and shot people in churches and who held my grandmother, among other things. Do not talk to us, because the hypocrisy that stands from the IRA is self-defeating.

Nelson is a good Minister. He is a fine Minister

—

12.45 pm

Mr Speaker: The Member's time is gone.

Mr Bell: — and he will lead us well into the future.

Mrs D Kelly: I will make a couple of points before I get into the substance of what I want to say. A number of DUP Members have made reference to the business before us today, given what is needed in relation to the economy and job creation. However, I look with dismay at the business for today and the next couple of weeks, because nothing is coming from OFMDFM. In fact, the only DUP motion —

Mr Speaker: Order. I have warned all Members to try, as far as possible, to come back to the debate that is before the House. That goes for all Members. We should certainly not be discussing what business might be coming from the Executive. That is far outside the motion.

Mrs D Kelly: The SDLP refutes allegations of sectarianism, particularly from those on the Benches opposite. We have always put our face against sectarianism. The DUP can create as much hot air — it is good at that — as it likes to distract from Nelson's wrongdoings. However, the crucial distinction between advocating civil disobedience and criminal disobedience is not lost on the wider public. If we put parades, traditions and community divisions out of our minds for a moment and think about this carefully, we can see that the catalyst for the motion is immaterial, although we do take the parading issue seriously; very seriously indeed, but separately. This is about a blatant breach of the code of conduct and Pledge of Office. The Minister could have broken that in 100 different ways and 100 different circumstances, and we would have brought this motion in any of those events. That this breach is inextricably linked to parades is incidental. The House has a duty to uphold the highest standards so that the people of the North — the people who put us here — can have confidence that those who make the rules play by the rules. This motion would be coming here today regardless of how the Minister broke the code. It is about decency; it is about accountability; and it is about honour, something that frequently absents itself from the Chamber. Our electors voted for the Assembly to be brought into being in the hope that we could

usher in a better future and more respectful society and that those who hold high office would work in the best interests of all the people of the North and strive to let the wounds of the past heal. That is why we have the ministerial code, and that is why it must be upheld.

We have expressed concern in the House at the actions of the Minister in his office. We have raged at his acquiescence to the Tory cuts to our welfare system, and we have questioned the efficacy of his actions, but we have always accepted that, however fast and loose he played with the workings of his Department and however much we disagree with his decisions, ideologically and otherwise, he acted until now within the code. No more. There are Members all around the House who have erred in the past, acted in ways that they are not proud of, or misspoke to the detriment of public confidence. We, as a society, have been on a long road towards learning how to forgive, and we still need to do that. However, forgiveness requires repentance. If rules are broken, sanctions must be imposed.

The Minister for Social Development has responsibility for a Department that affects every corner of our community, including our most vulnerable. Regardless of who they are, where they come from or what their backgrounds or politics are, they must be able to trust the man who is tasked with making their communities better. When Nelson McCausland failed to condemn the actions of those who acted to set communities against each other, he broke that bond of trust and his code of office. I ask all those who stand for honour, decency, prosperity and peace in our communities to go through the Aye Lobby with us this afternoon and make a stand not against parades or expressions of tradition but against a breach of our rules and the public trust.

Mr Weir: I normally say that I am glad to speak on the motion that is before us, but I speak today with a sense of weariness. Indeed, there is a stench of hypocrisy from those on the other side of the Chamber who put forward this motion. This is not about breaching the ministerial code, because there has not been a breach of the ministerial code. The Minister will deal with that in greater depth in his response. Nor, as others have said, is it about dealing with the key issues that face Northern Ireland; it is not about attracting jobs or seeing what we can do to improve our education service or health service. It is about nationalist chest-beating. It is about a party that is losing its relevance, with support in the latest opinion poll at 9%, trying to

establish a sense of relevance in this House. *[Interruption.]*

Mr Speaker: Order.

Mr Weir: Let me give a little bit of advice to the nine per centers across the Chamber: you will not revive your electoral fortunes by engaging in petty political point-scoring or having your APSs carrying the coffins of a dead terrorist. We should remember that there is a code of conduct for APSs as well. Lobbying for dissidents who are in jail is also not the route to electoral recovery for the SDLP.

The motion is not trying to ease the tensions around the parades issue. Good work is being done by the loyal orders and others to try, through quiet diplomacy, to ensure that we have a peaceful way forward. Does this motion reduce tensions or exacerbate them? It is clearly intended to exacerbate tensions.

At the heart of the motion lies the issue of civil disobedience.

Mrs D Kelly: Will the Member give way?

Mr Weir: No, I have a limited amount of time.

Mrs D Kelly: You will get an extra minute.

Mr Speaker: Order.

Mr Weir: I have heard more than enough from the Member today to last me for quite a long time.

People should be reminded, as there seems to be a little bit of dithering from the Ulster Unionists on this issue, that in the 1980s DUP and Ulster Unionist members went to jail because they were involved in peaceful civil disobedience. They were convicted and jailed because they went onto the streets and walked on the Queen's highway. They were prepared to take their medicine. That should be remembered.

It seems that the party opposite regards civil disobedience as that rarity in the English language — an irregular noun. That party was born out of protest, out of a rent strike, out of boycott and out of taking part in illegal marches. Whenever that sort of civil disobedience occurs, they say that it is simply a way of trying to obtain fair play. Yet, when there is civil disobedience connected to the unionist or loyalist side, it is evil sectarianism. You cannot have your cake and eat it.

The main source of this motion is the SDLP. Until they are prepared to condemn their past, we will not take them seriously. As the First Minister put it, Sinn Féin is the dog being wagged by the SDLP tail. There is an utter hypocrisy when civil disobedience is raised by an organisation that was linked, year after year, to the murder of people. Indeed, I will only again take the argument of Sinn Féin seriously when their Members and Ministers get up and, one by one, condemn all of the murders that were committed in their name by the Provisional IRA. It ill behoves those who will not condemn murders to condemn the Minister today.

It seems that what we have is an exercise in chest-beating from both nationalist parties. Indeed, some seem to be joining in their wake.

This is a flawed motion, because there has been no breach. It is the wrong argument from people on the wrong side of history. Indeed, as has been indicated, it is a motion that is doomed to failure. However, perhaps a futile gesture by nationalist parties, which will ultimately end in defeat in this Chamber, is their fitting tribute to a century of Ulster remaining British and a century of the Ulster covenant. Perhaps this is a timely motion in that regard.

I urge Members to reject the motion on the basis that it is flawed, makes a spurious attack and is simply a chest-beating exercise.

Mr A Maginness: This motion is about values, it is about standards in high office and it is about a Minister who has failed to live up to the values and standards contained in the Pledge of Office and the code of conduct for Ministers.

In contrast to the actions of the First Minister, the Minister for Social Development failed to condemn those who breached the legal rulings of the Parades Commission. The First Minister, by contrast, said:

"I condemn the decisions of the Parades Commission but when those decisions are taken then that becomes the legal requirement".

In contrast to the First Minister, he ducked and dived on 'The Nolan Show' when Nolan asked him three times whether he would condemn those illegal and, indeed, potentially criminal actions by those who breached the Parades Commission's decision. He was not capable of living up to the standards of a Minister. When you become a Minister, you take the Pledge of Office, and when you take the Pledge of Office,

you are committed, inter alia, to paragraph 6 of the St Andrews Agreement, which states:

"We believe that the essential elements of support for law and order include endorsing fully the Police Service of Northern Ireland and the criminal justice system, actively encouraging everyone in the community to co-operate fully with the PSNI in tackling crime in all areas and actively supporting all the policing and criminal justice institutions, including the Policing Board."

Mr Speaker, you will note that that is not exhaustive but includes expansive support for all of our law-making institutions. That includes the Parades Commission. You may not like the Parades Commission, but you have a duty, as a Minister, to obey and uphold the decisions of the Parades Commission. If you do not do that, you are failing in your duty and failing in your Pledge of Office.

Further to that, paragraph 6 of the ministerial code of conduct states that a Minister is obliged to:

"operate in a way conducive to promoting good community relations and equality of treatment".

How did the Minister promote good community relations when he dismissed the despicable action of the Young Conway band outside St Patrick's Church, where he contemptuously referred to the fact that the church was empty and that, therefore, no offence or no provocation could, in fact, take place? What an offensive remark. How damaging was that to community relations? His subsequent failure to condemn the sectarianism — not just simply the defiance of the Parades Commission's decisions — shown by the Black and the bands and their supporters — *[Interruption.]*

Mr Speaker: Order. The Member has the Floor.

Mr A Maginness: — on 25 August —

Mr Humphrey: Will the Member give way?

Mr A Maginness: No, I will not give way.

That was giving comfort and support to that sectarianism, which appalled and offended not only the local Catholic community and the Catholic Church but any right-minded person who observed it. The Minister himself was there, and the Minister himself observed the obnoxious and sectarian behaviour of those

who paraded on 25 August. That was appalling, and it is a breach of the ministerial code. That is why the SDLP has brought this motion to the Floor of the House. It is to assert decent standards and to assert the values in the ministerial code. It is to get rid of the poison of sectarianism that afflicts our society and damages the body politic and has continued to do so with the sort of actions and inactions of the Minister. If the Minister is committed to the ministerial code, let him apologise and say to the people that he will, in fact, adhere to the ministerial code.

Mr B McCrea: Will the Member agree that the Minister has an opportunity in the way in which he responds to the debate to defuse what has become a rather rancorous debate and that, perhaps, an apology would go a long way?

Mr Speaker: The Member has a minute added on to his time.

Mr A Maginness: Thank you very much; I am grateful for that intervention. In fact, the Minister should apologise, irrespective of the outcome of the debate. He should apologise in the same way that a Cabinet Minister in Britain apologised for abusing a policeman. Compare that with what this Minister has done — *[Interruption.]*

1.00 pm

Mr Speaker: Order. The Member has the Floor.

Mr A Maginness: — in failing to condemn the breaches of the Parades Commission's rulings — *[Interruption.]*

Mr Speaker: Order.

Mr A Maginness: — and in failing to condemn the blatant sectarianism that was displayed on 25 August. *[Interruption.]*

Mr Speaker: Order. The Member's time is almost gone.

Mr A Maginness: I ask the Minister — indeed, I plead with the Minister — to apologise in the interests of good community relations —

Mr Speaker: The Member's time is up.

Mr A Maginness: — and in the interests of upholding decent standards in office. *[Interruption.]*

Mr Speaker: Order.

Mr Allister: Even if there were merit in the motion and it were carried by a majority in this House, the reality is that it has no effect. That, therefore, points up a greater issue than the subject of the debate. It points up the fact that this House effectively has no control over some Ministers, whatever they do. That is because, although there is a ministerial code and mechanisms for dealing with complaints of alleged breaches under that code, no mechanism exists that is foolproof and effective to deliver penalty for any breach of the ministerial code by a Minister from either of the two largest parties. Under the arrangements of the 1998 Act, the two largest parties have a veto on any motion of censure even if it carries majority support in the House. That is why this is a pointless exercise and why it points up a greater problem that needs to be addressed.

If anything positive and worthwhile comes out of this debate, it should be that that difficulty in the 1998 legislation is addressed. Of course, the SDLP was the craftsman of that legislation, and it honed, drafted and helped to prepare it and very much has ownership of it. However, in today's terms, a veto was written in for the DUP and Sinn Féin where any censure of their Ministers was concerned. Yes, an SDLP Minister could be censured. Yes, an Ulster Unionist Minister could be censured and removed from office by the House, because they do not have a political voting payroll that is sufficient to block such a motion or a veto in a cross-community vote. However, the reality is that a Sinn Féin or DUP Minister is secure from that. That is wrong, just as the motion, in its focus, is wrong.

It is particularly wrong, as Sinn Féin constantly takes refuge in the reality that it is immune because it does the sort of things that Martin McGuinness did at Dungiven when he participated in a parade where people who were dressed as paramilitaries touted Armalites. He did all that confident in the knowledge that he is immune from any action in this House.

The House needs to address how we bring accountability to Ministers in the two largest blocks, because, at this moment, the rules do not provide any possibility of sanction or any remedy in those circumstances. Perhaps before it looks to Mr McCausland today, the SDLP should look to its construction of that legislation and ask why it was so constructed to give that protection and immunity. Unless that is sorted, a motion such as this is utterly a

waste of time and will go nowhere, because it will be defeated by the blocking device in the arrangements of this House.

So, if you want change, you should change that, and then it will be time enough to tell whether a Minister has breached the ministerial code, because there will then be an opportunity to do something about it. In this case, I do not think that Mr McCausland has breached it.

Mr McNarry: What we have here is a charge of failure to observe the Pledge of Office and the ministerial code of conduct, linked to allegations — spurious, in my opinion — based on assumptions and interpretations of a failure to promote good community relations by not condemning actions that are contrary to the rule of law in a public response to the alleged sectarian behaviour of a single flute band. As this place is not a court of law and as the Member Nelson McCausland is not facing, as far as I know, any legal charges, what powers could the Assembly exert, even if it desired to do so, around section 30 of the Northern Ireland Act 1998, which requires, as you pointed out, cross-party support? Therefore, is not the motion impotent?

Have we perhaps reached a stage in this that is similar to the case of Spartacus? I do not compare Nelson to a persecuted and badly wronged slave; rather, I make comparison to many Members, including me, who are in the Chamber and who, if asked, would say, Spartacus-like, "I, too, am Nelson McCausland". What has happened is that erroneous charges have been levelled that could fit everyone who has participated in any form of exerting his or her own rights. Like Nelson McCausland, none of us would condone the breaking of the law — at least, not these days, in some cases. However, we would be open, honest and transparent when challenged about non-violent disobedience, just as Mr McCausland was. Therefore, it is disappointing to hear those who were previously articulate and passionate exponents of justifying civil disobedience — even cases of violent disobedience — grandstanding on what they have called, lamentably, a matter of principle.

I regret to say that the motion has not been tabled for the good of the House or to encourage, if it were needed, better judgement from any Minister. Rather, to me, this is a sad piece of bitter recrimination. They have a fall guy to pick on, because of the people whom Mr McCausland honourably represents. That reflects more on the motion's signatories and their supporters than on anyone else. More to the fact, the motion will reflect badly in the

public eye on all Members. It deliberately plays to a certain gallery and purports to represent its opinion. That suggests that there are crowds baying for Nelson McCausland's head through his dismissal from office. That is what the motion says. I do not see or hear those crowds, and I do not know where they are. However, I do see people who are turned off by this crass motion. I see people who are more concerned about employment, rising costs, education and health matters, caring for loved ones at home and fighting drugs and sex trafficking — all the things that we should and do debate from time to time. Those are the things that the public expect us to discuss, rather than this attempt at what I call pious hypocrisy.

Nelson McCausland has not broken any law. The House has no logical, practical or political reason to support the motion — no reason whatsoever. Values of office and standards have been referred to. The Minister's record shows me that he has upheld those values and standards, and he should not be persecuted in the House for doing so. I trust that the House will reject the motion.

Mr McCausland (The Minister for Social Development): I want to say, right at the start, that I have not broken the ministerial code of conduct or the Pledge of Office, and I totally refute any suggestion to the contrary. Anyone who has read the transcript of what I actually said will know that already. Any public comments that I have made in the past or will make in the future do not need to be interpreted by the SDLP.

This afternoon's debate is totally unnecessary. The SDLP's decision to bring it forward has very little to do with parades and protests or, indeed, with mutual respect and good relations. It has much more to do with the desperate plight of the SDLP. The proposer of the motion, Alasdair McDonnell, took over the leadership of his party in November last year, and, in less than a year, he has managed to take support for his party down from 14% to 9%. That is quite an achievement, even for Alasdair McDonnell. In North Belfast, the sole MLA from the SDLP has held on to his seat with a declining vote, and, in the Oldpark electoral area, Councillor Mallon, who works in Mr McDonnell's office, is holding on by her fingernails. This is about the SDLP trying to retrieve some ground, not just in North Belfast but across the Province. We saw that some time ago with the party's ridiculous stance on the redevelopment and regeneration of the Girdwood site, and now we see it again in relation to parades, an issue on which, in the

past, it has generally been almost invisible, as someone, on one occasion, painted on a gable wall not far from Ardoyne. Desperation can be a powerful motive.

A censure motion had been mooted by the SDLP for some days, but, when it was confirmed last Tuesday, I was sitting in the airport in London on my way back to Belfast after a meeting with Lord Freud and his officials on welfare reform. That is the sort of political work that Northern Ireland needs, not the charade of this spurious motion. Today's debate is simply an unnecessary distraction from the real issues.

At first, the SDLP went on the attack in relation to what can be described as civil disobedience. That was its initial focus, but it was, as has been said, on very difficult ground, and it still is. The SDLP was born out of a movement that employed civil disobedience as a tactic, including the illegal occupation of public property. On his personal website, Alban Maginness states that he took part in a march in Londonderry that was in fact, although he does not state it, an illegal march. Yet, he is proud of his participation, puts it up on his website and picks out for special mention his participation in an illegal event. The founding fathers of the SDLP also advocated civil disobedience in 1971 when they launched a rent and rates strike. Will Alasdair McDonnell condemn his predecessors for their actions? Of course, Alasdair McDonnell is not a member of the Executive, and so I pose a second question: has Alex Attwood, who is a member of the Executive, condemned the founding fathers of the SDLP for their actions?

When we look at the record of the proposers of the motion, we see that it is clear that they are in no position to bring forward such a motion today without opening themselves up to charges of gross hypocrisy. Moreover, they were unable to bring forward the motion without the support of Sinn Féin. They needed the support of Sinn Féin; they pleaded for the support of Sinn Féin; indeed, they pleaded day after day and, eventually, they managed to get it. As Alasdair McDonnell told 'The Irish News':

"after an extended period of discussion, Sinn Féin decided to make common cause with us".

So, let us look at the new ground to which they moved, and it is on the issue of good relations. However, here again the SDLP has adopted a thoroughly hypocritical position. The SDLP demands high standards from Ministers in the Executive, but, surely, consistency requires that

it also demands high standards from its own members. In that context, I noted the silence of Alasdair McDonnell when, on 17 April, one of the SDLP MLAs for Foyle, Colum Eastwood, participated in the paramilitary funeral of veteran republican Seamus Coyle, who had been a member of both the Official IRA and the INLA. The funeral included the firing of shots by a Real IRA gunman, and, as Mr Eastwood carried the coffin with its paramilitary trappings, he walked between two rows of men dressed in paramilitary uniforms. That was not just a funeral; it was a paramilitary display.
[Interruption.]

Mr Speaker: Order.

1.15 pm

Mr McCausland: Later, Mr Eastwood defended his actions.

Mr Humphrey: On a point of order, Mr Speaker. As the Minister was making his contribution, the leader of the SDLP pointed to the Minister and said, "You do that all the time." Is that appropriate?

Mr Speaker: Order. I remind Members about their language in the House. Allow the Minister to continue.

Mr McCausland: Later, Mr Eastwood defended his actions. His defence makes interesting reading, but I did not hear Alasdair McDonnell or his deputy, Dolores Kelly, censure Colum Eastwood for his role in a paramilitary funeral. Alban Maginness was also silent on the matter. More significantly, Alex Attwood, a Minister in the Executive, was silent on the matter, and, even more significantly, the media did not rush to get Alex Attwood to condemn his party colleague. Meanwhile, the PSNI is investigating that funeral.

Just last month, several Sinn Féin Ministers were present at the annual republican hunger strike commemoration, which, this year, took place in Dungiven. There was no Parades Commission determination for that march. I noticed the part of the statement in relation to Ministers about equality of treatment, but there was certainly no equality of treatment from the Parades Commission. There was no determination with regard to Dungiven. Those Ministers were at an event that included young people brandishing replicas of weapons from the recent Troubles. That was no historical re-enactment of a bygone era but a re-enactment of recent terrorism. The Member for East Londonderry made a point about the band

playing outside the parish church in Dungiven. Alban Maginness might want to take note of this: every Easter, the Volunteer Sean McIlvenna Republican Flute Band from Scotland plays republican tunes as it parades past two Protestant churches on the Whitewell Road, which is in his constituency. Of course, he has never commented on that, approached the Parades Commission about it or censured those responsible. Moreover, that was not the first time that replica weapons were displayed at that annual event. It has happened for a number of years. Even Sean Murray has said that it is time for change, and he is right. However, the SDLP does not see fit to censure the Sinn Féin Ministers who were there and who spoke at the event. Did the SDLP rush to censure those members of Sinn Féin? No, it did not. It has not sought to censure them this year, and it did not seek to censure them on previous occasions.

It was interesting to read the argument put forward by Sean Murray in the 'Belfast Telegraph' on 12 September. He wrote about the need for republicans to change to improve good relations. Surely, if it is an issue about good relations and if there are Ministers in the Executive who took part in that event, the SDLP should be rushing to censure them instead of seeking their support for a spurious motion. It is clear, therefore, that in bringing forward this motion —

Mr Attwood: Will the Member give way?

Mr McCausland: No. Mr Speaker, there is absolutely nothing that the SDLP —

Mr Attwood: Mr Speaker —

Mr Speaker: Order. It is quite obvious that the Member has no intention of giving way — *[Interruption.]* Order. The Member should not persist. The Minister has the Floor.

Mr Attwood: On a point of order, Mr Speaker. I ask that you make a ruling. On a number of occasions throughout the debate, DUP contributors have explicitly invited the SDLP to respond to points that they have made. When the opportunity to respond has been sought, Mr Robinson and Mr McCausland have refused to give way. Is that a proper use of parliamentary time?

Mr Speaker: All sides of the House and all Members who have spoken have taken quite a bit of latitude around the motion. If Members raise issues that are outside the motion, the Minister has every right to respond to those.

That goes for all Ministers. Members complain to me about Ministers responding to issues. The simple reason for that is that Members have opened the debate further. So the Minister has every right to respond to all issues that other Members have raised in the House and which have opened up this debate. I have warned all sides of the House to try, as far as possible, to stick to the motion. Unfortunately, that did not happen, so the Minister now has every right to respond to all issues that Members have raised.

Mr P Robinson: On a point of order, Mr Speaker. Is it not the case — *[Interruption.]*

Mr Speaker: Order.

Mr P Robinson: Is it not the case that, when Members, as happens in a lot of debates, indicate that another Member in the Chamber should answer a certain question, that does not mean that they have to interrupt that Member's speech to do so. They have the opportunity to get to their feet and make their comments when called by the Speaker. That is what is called debate, and it was noticeable that the Minister did not want to take part in the debate.

Mr Attwood: On a point of order, Mr Speaker.

Mr Speaker: I will allow the Member in on a point of order, but let me say as well that it is the Member who has the Floor who decides whether he wants to take an intervention. Obviously, on this occasion, the Minister has no intention of doing so. That is where it ends, and we really should move on.

Mr McCausland: The Londonderry incident to which I referred took place on 17 April, the Dungiven incident in August. There has been ample opportunity — more than ample — for SDLP representatives and, indeed, the Minister to express their views or offer some sort of censure. It is clear, therefore, that, because of this different treatment, in tabling the motion, the SDLP has been both selective and vindictive. There was also the appalling incident at the Tí Chulainn centre in Mullaghbawn, where small children were dressed up as terrorists and given replica weapons. Sinn Féin leaders, including at least one Executive Minister, sought to explain away what happened, but did the SDLP rush to censure? Of course, they did not.

There is a tendency for Irish nationalists and republicans to suggest that only unionists are sectarian and that sectarianism does not apply to nationalists. I noticed that particularly in

regard to the events on the last Saturday in August. That evening, I stood on the traffic island at North Queen Street. I looked across at the protesters at Carrick Hill. I do not know whether the SDLP Member for North Belfast was there, as I did not see him.

Mr A Maginness: I saw you.

Mr McCausland: Good, we now know that he was there. He certainly did not go out of his way to rush to condemn the crass, crude, appalling behaviour of the protesters who were standing at Carrick Hill. There was sectarianism on the ground that day, but the impression given by the SDLP is that it was all on one side of the fence. The fact is that it was a very unpleasant day and one that I would not want to see again, but this was —

Mr A Maginness: Is that an apology?

Mr Speaker: Order. Allow the Minister to continue. The Member should not debate across the Chamber.

Mr McCausland: I want to turn to the issue of sectarianism just to illustrate the point. As Alban Maginness has spoken, I will deal with him first. Speaking in the context of the housing needs of Roman Catholics in North Belfast, he at one stage described the Torrens estate as a windfall site. A windfall is generally seen as a piece of good fortune, but there was not much good fortune for the few Protestant families there, who suffered during years of sectarian attack and abuse and were eventually ethnically cleansed from their homes. Those words of Alban Maginness were deeply damaging to community relations in North Belfast, and I believe that they betrayed an undercurrent of sectarianism in nationalist thinking.

Today's motion was signed by Caitríona Ruane, who spoke earlier. I can well remember — it is indelibly etched on my memory — her interview with Wendy Austin on Radio Ulster when Sinéad O'Connor declined to take part in the West Belfast Festival because of the issue of punishment beatings. Caitríona's exact words were that punishment beatings were not a black-and-white issue. *[Interruption.]*

Mr Speaker: Order. Allow the Minister to continue.

Mr McCausland: The Sinn Féin Member is a former member of the Executive. When she was a member of the Executive, was she challenged to condemn those words? Does

she condemn her own words, or does she stand condemned out of her own mouth?

Ms Ruane: Will the Member take an intervention?

Mr McCausland: No. You have had — *[Interruption.]*

Mr Speaker: Order.

Mr McCausland: Given that the comment was made in 1999, she has had nearly 13 years to explain it away. *[Interruption.]*

Mr Speaker: Order.

Mr McCausland: I understand that the incident on 12 July is now being investigated by the police. We must await the outcome of that process. A video clip taken by a member of Sinn Féin is only part of the evidence of what happened on the day. Moreover, the band in question has stated that it was not its intention to cause offence and has apologised for any offence that may have been caused. I welcome that. That point was reiterated in a joint statement issued in August by unionist politicians, loyal orders and representatives of the band sector. Recently, I and a party colleague met Father Michael Sheehan of St Patrick's and Father Tim Bartlett. They explained their position to us, but they also noted the apology, which they acknowledged had been almost overlooked. The way forward is the way of mutual respect. That is a point to which I will return. As regards the last Saturday in August, yes, there were things — I see that our time is almost gone, so I will come quickly to my final point.

The Parades Commission, in making determinations, is supposed to take account of the impact on community relations. The system is a bad system, but the situation is made even worse by the fact that the current commission is a particularly bad commission, whose decisions are characterised by incoherence and inconsistency. It is a commission that has sought to deny the right of freedom of religious expression by prohibiting the playing of Christian hymns.

I remain focused on working with all sections of the community to deliver a long-term solution to the problems in north Belfast, as a local representative, and for the whole of Northern Ireland, in my role in the Department for Social Development. Whether it be socially, economically or politically, I and my colleagues are, first and foremost, interested in building a

community that is peaceful and prosperous and in which sectarian behaviour and violence have no place.

Mr G Kelly: Go raibh maith agat, a Cheann Comhairle. I support the motion. I suppose it was to be expected that, in a debate like this, it was going to get a bit rough around the edges. It is difficult to finish off the debate and not make it worse, but I will try to do that.

Lord Morrow: Start in Dungiven.

Mr Speaker: Order.

Mr G Kelly: Well, let us start where this came from, Lord Morrow. We are talking about Nelson McCausland, which is important. He is a Minister —

Mr Speaker: Let us have all remarks through the Chair.

Mr G Kelly: We are talking about Nelson McCausland, who is a Minister: that is the big difference in the debate and much of the "whataboutery" that has been given by the other side of the House.

A community was very wronged. That is at the core of this. Although the debate is centred around the ministerial code, let us not forget what happened. What happened on the day is that an insult, a very specific insult, was given outside a Catholic chapel. That really only manifested the sectarianism that has been shown, time and time again, in the parades that go down past Carrick Hill. What happened at St Patrick's was a manifestation of something that has been going on and on and on for a very long time. The difficulty, I think, for the Minister, as has been pointed out by Alasdair McDonnell and many others, is that the remarks he made are not just an issue of omission; he defended the sectarianism involved. He talked about empty buildings, he refused to condemn what happened, and he actually pretended — he must be the only person in this Assembly who believes it — that the anti-Catholic song, the famine song, is some sort of pop song. He is from north Belfast. I do not know whether he supports Rangers, but I am sure that, if he has been to any football matches, he will have heard the song many times before.

Caitríona Ruane said that perhaps the way out of this is for the Minister to give an apology. Perhaps that is the way out of it. As other Members have said, we can go only so far in this debate. She also said that she welcomed all those — as I notice the Minister himself did

— who are trying to make an effort to move the process forward. We are heading towards 29 September, and perhaps we can get dialogue that can do some good.

1.30 pm

Peter Robinson also talked about moving forward. He has engaged and made a number of statements about that, but he spent his time accusing the SDLP and Sinn Féin of sectarianism. This was a huge act of sectarianism. We are debating something that was an act of sectarianism. Coming to the debate and blaming everybody else is not the way to drive this forward. We talk about trying to move the whole process forward, and a number of Members have mentioned quiet diplomacy. I would like to see the quiet diplomacy. I would like to know where it is going on because there is no evidence of it. Peter Robinson talked to the Orange Order, along with many other unionists and loyalists, and he came out of that meeting saying —

Mr Bell: On a point of order, Mr Speaker. Your ruling last Monday, if I understood it, was that, when matters are clearly in the public domain, Members should be accurate in what they say. The Member for North Belfast has said that there is no quiet diplomacy going on, but he has been in meetings with me in the Executive room as we have sought to deal with the issue. He knows that there are meetings going on with the Roman Catholic priest and parishioners, so can I ask you to rule at some stage on that accuracy that you referred to last Monday?

Mr Speaker: Order. I said last Monday that Members should be careful in how they address the House and not put words into Members' mouths. However, the Member has it on the record, and I am sure that the Member will want to respond.

Mr G Kelly: Go raibh maith agat, a Cheann Comhairle. Maybe the Member should read Hansard tomorrow as well. He is talking nonsense also.

Peter Robinson came out of that meeting, and what did he declare to the world? Not that he had some way of moving this whole process forward, not that we were going to have a quiet 29 September, but that there was unionist unity. We do not even know what the unionist unity was about, but it seems that it was about condemning the residents of Carrick Hill. Mike Nesbitt went through all sorts of "whataboutery".

Mr A Maginness: I thank the Member for giving way. Does the Member accept that the only real diplomacy and dialogue that counts is between the Orange Order and Carrick Hill residents, and that has not yet taken place?

Mr G Kelly: I thank the Member for his intervention and absolutely agree with him. That is exactly where the discussions should be taking place. That is what we need to make the scene-changer in all of this.

I will move on fairly quickly. Mike Nesbitt got up, and it was all "whataboutery". He did not deal with the issues. Stewart Dickson also repeated that there should be an apology. Gregory Campbell and many others across the aisle spoke about civil disobedience. You are the only ones talking about civil disobedience; we are talking about a determination that was broken, and that makes it criminal disobedience.

Raymond McCartney said accurately that what we have here is a fig leaf of defence. Jonathan Bell gave sainthood to Nelson McCausland. Fair play to him. It was very loyal and very good. However, he showed no way of going forward. This Dungiven issue has been raised on a — *[Interruption.]*

Mr Speaker: Order, order. The Member has the Floor. The Member must be heard.

Mr G Kelly: Dungiven was raised, as well as many other issues, but they have never been raised before. There was no determination in Dungiven. Incidentally, because it has been raised so often, not just in the House, I went and asked about it, and your information is absolutely wrong.

Mr Campbell: Will the Member give way?

Mr G Kelly: No, I will not give way. Go to the Parades Commission if you have a complaint. *[Interruption.]*

Mr Speaker: Order.

Mr G Kelly: I enjoyed some of what Jonathan Bell said. He said, "It's the economy, stupid". You are right: "It's the economy, stupid". Some £7 million has been taken out of the economy for parades, and £6 million — *[Interruption.]*

Mr Speaker: Order. Let us not have a debate across the Chamber.

Mr G Kelly: — has been spent on policing a small number of contentious parades. You are right, "It's the economy, stupid". *[Interruption.]*

Mr Speaker: Order.

Mr G Kelly: Dolores Kelly and Alban Maginness again emphasised that this was criminal disobedience. Alban, as is his wont, gave the legal interpretation of that, and I am thankful for that.

Jim Allister and David McNarry said that it will not make any difference. I am not too sure about that. The reason for tabling the motion, even if we cannot achieve the censure, is that people out there want to know that we are making a difference on the issue.

The reason why I support the motion is that the Minister has clearly broken the Pledge of Office and the code of conduct. I know that he said that he did not break it, and that is his opinion. Whatever you think about that, I have to say that Nelson McCausland was wrong on a number of issues. On 12 July, he and, I think, another elected member of the DUP saw the stoppage and were very close to the band when it was marching around. If he had any sense — a bit of common sense — he would have gone over to the band and said, "Catch yourselves on. You are insulting people here. Wait till we go past the chapel", but there was no such action.

On 25 August, we had the same thing again. The same band that caused that insult broke the determination, along with the rest of them, apart from, I think, one band, and yet the Minister did not condemn that. He also defended the song and the act. He has to realise that that was deeply insulting to people. He said that the building was empty, but the significance to the parishioners and to the people who live in the area was that it was a Catholic chapel. He is a religious man, so he must know how deeply offensive that was.

There is an opportunity to show leadership. Perhaps it is necessary for the party to support Nelson McCausland. One Member said that the motion is about dismissing him as a Minister, but it is about a suspension for a period of time. We need to send out a notion about ministerial behaviour. Harold McCusker was quoted a number of times, and other people were quoted on the issue of civil disobedience. The one big difference is that those people were not Ministers. They did not have to take the Pledge of Office and sign up to

the ministerial code. I think that we can move on from where we are.

At the core of the matter is not only the issue with Minister McCausland but the fact that we are trying to move the process forward in north Belfast, Rasharkin or wherever. To get the loyal orders to talk to residents might be a better use of time than defending this issue. Although the Members on the Benches opposite are all lined up behind Nelson — fair play to them — I know that what he did was wrong and that he should not have done it. Maybe the party leadership needs to take him aside and tell him to catch himself on. Let us show a bit of leadership — *[Interruption.]*

Mr Speaker: Order. Allow the Member to continue.

Mr G Kelly: Let us as an Assembly support the motion.

Mr Speaker: We will move to the vote on the motion. Once again, I remind the House that the vote requires cross-community support.

Question put.

The Assembly divided:

Ayes 47; Noes 49.

AYES

NATIONALIST:

Mr Attwood, Mr Boylan, Mr D Bradley, Mr Brady, Mr Byrne, Mr Dallat, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Mr McDevitt, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Molloy, Mr Ó hOisín, Mr P Ramsey, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

UNIONIST:

Mr McClarty.

OTHER:

Mr Agnew, Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Ayes: Mr Lynch and Mrs McKeivitt.

NOES

UNIONIST:

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Noes: Ms P Bradley and Mr Humphrey.

Total Votes 96 Total Ayes 47 [49.0%]

Nationalist Votes 37 Nationalist Ayes 37 [100.0%]

Unionist Votes 50 Unionist Ayes 1 [2.0%]

Other Votes 9 Other Ayes 9 [100.0%]

Question accordingly negatived (cross-community vote).

Mr Campbell: On a point of order, Mr Speaker. I appreciate that things were said across the Chamber during the debate and that we have to make allowances for those. However, when making the concluding remarks in the previous debate, the Member for North Belfast, Mr Kelly, intimated that I was inaccurate when I said that I had made representations to the Parades Commission about the parade in Dungiven. I sent a letter to the Parades Commission and received a response that indicated that I had made such representations 10 months ago. I say that for the accuracy of the record.

Mr Speaker: The Member has that on the record. Let us move on.

Mr Attwood: On a point of order, Mr Speaker. During his contribution, the junior Minister from the ranks of the DUP referred to the party leader of the SDLP by reference to the word "dissident". The record will confirm that, on a number of occasions, that Member referred to the leader of the SDLP in that way. Given how that term is generally understood in our society at the moment, that it is an inflammatory word

and the very clear significance of the use of that word, I ask you, Mr Speaker, to make a ruling on that Member's remarks and the use of that particular word by a Member of the House. I ask you to review Hansard as a matter of urgency — *[Interruption.]*

Mr Speaker: Order.

Mr Attwood: — in order to give your view on that, given that that word has such relevance and —

Mr Speaker: Order. As the Member will know, I have given him quite a bit of latitude on his point of order. The Member will also know that I insist that all Members and Ministers use proper titles when referring to other Members in the House. However, on many occasions, that is part of the cut and thrust of debate in the Chamber. Let me look at Hansard and come back to Member.

Executive Committee Business

Landlord Registration Scheme Regulations (Northern Ireland) 2012

Mr Speaker: I call the Minister for Social Development *[Interruption.]* Order.

Mr McCausland (The Minister for Social Development): I beg to move

That the draft Landlord Registration Scheme Regulations (Northern Ireland) 2012 be approved.

I welcome the opportunity to get down to the serious business of the Assembly. The regulations were laid on 21 August 2012 and are made under article 65A of the Private Tenancies (Northern Ireland) Order 2006.

In response to the growth of the size and significance of the private rented sector in meeting housing need and in recognition that the current regulatory provisions needed to be supplemented, the Department's strategy for the private rented sector, Building Sound Foundations, was launched in March 2010. Its objective is to ensure the provision of good-quality, well-managed accommodation, which is supported by an appropriate regulatory framework and which encourages and promotes the rights and responsibilities of landlords and tenants. One of the key issues to emerge from the work to develop the strategy was the need to introduce mandatory landlord registration in order to make the existing regulatory provisions more effective. A register of all private landlords will give local councils the means to work and communicate with landlords, better equip them to ensure that landlords comply with the law, raise standards and, where necessary, take enforcement action. The collection and availability of such essential and relevant data will allow councils to deliver their statutory responsibility more effectively, for example by targeting their activity more appropriately and identifying problem landlords who do not comply with the law.

The purpose of the draft Landlord Registration Scheme Regulations (Northern Ireland) 2012 is to give effect to the landlord registration scheme, including the functions and responsibilities of the scheme registrar, and the information that a landlord must provide to the registrar in order to register and continue to be

registered. Landlord registration is seen as an essential step in assisting with better regulation of the private rented sector.

The purpose of landlord registration is to create a register of all private landlords and maintain relevant and up-to-date information about those landlords and their tenancies. First, it will give local councils information to ensure that landlords comply with the law and assist environmental health officers to enforce standards and improve tenancy management, and, secondly, it will allow particular information held on the register to be accessed by members of the public and prescribed statutory bodies.

In simple terms, data collected will be used by council environmental health officers to target landlords who are not complying with legal requirements that are already in place. It will also allow tenants and others to check whether a landlord is registered and, if not, this can be reported to a council for follow-up action. As the information held on the landlord register will be an invaluable tool for councils in the pursuit of their statutory obligations under the Private Tenancies (Northern Ireland) Order 2006, it is planned that the role of registrar will be undertaken by a council.

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

The cost of establishing the registration system will be met in the first instance by the Department, which will contribute to the initial one-off start-up costs. Once established, the scheme registrar will be expected to manage the scheme, including meeting any ongoing costs, through a nominal fee paid by landlords.

The landlord registration scheme here will be light touch. That means that bureaucracy and costs will be minimised. Landlords will be able to register their details on an online system, pay a fee, receive a registration number, and be directed to various forms of guidance and advice on renting from the private sector. Although landlords will be encouraged to register online, there will be a paper-based option that will facilitate landlords who wish to register manually. Registering manually will incur a slightly higher fee. Although all landlords will be required to register, landlords of houses in multiple occupation (HMO) registered with the Northern Ireland Housing Executive will be exempt from paying a fee.

The definition of a landlord for the purposes of these regulations includes, for example, an agent. However, the onus to register still lies with the landlord. It is considered appropriate

that the role of scheme registrar will be undertaken by one of our larger councils. This decision is based on the fact that councils are currently responsible for regulation of the private rented sector and have extensive knowledge and experience of that sector. I am sure that Members across the Assembly will agree that the private rented sector is critical to meeting housing need for many. I consider that these regulations will make significant improvements to the private rented sector, and that tenants will have the confidence to continue to rent privately or to consider doing so.

Mr Maskey (The Chairperson of the Committee for Social Development): Go raibh maith agat, a LeasCheann Comhairle. I welcome the regulations tabled by the Minister, but wish to express for the record a number of caveats that have been of concern to the Committee. Suffice it to say that, given the concerns that the Committee has had on the issue, which have been of concern to members right back to the previous mandate, it has considered this issue on no fewer than four occasions.

2.00 pm

So, the Committee obviously welcomes the regulations, and we will, as a Committee, support them. However, it is important to put on record our concerns, which fall into four areas. The first is the question of a fit and proper person test. That is the issue of the eligibility, if you like, of a person who wishes to become a landlord, which was, I think, recently put into law in Scotland. It was something that members considered during their deliberations on these regulations. This is all designed to improve the situation for those renting from private landlords.

From the outset, we accept entirely that the vast majority of landlords are professional people of impeccable integrity, but there are of course those who are less scrupulous. Given that there have been, and continue to be, some unscrupulous landlords — Members are aware of the types of complaints that they receive — it is important that we have in place legislation that will not frighten good landlords but put down a real marker for those who are not so good, telling them that they have to, dare I say, get their house in order and provide a proper service to those paying them rent. When one considers the amount of public money that is paid in housing benefit to landlords and to the private rented sector, this is obviously a matter of public importance.

The regulations are designed to improve the overall situation for tenants. We want to see a situation in which both landlords and tenants have a clear understanding of their responsibilities, rights and obligations. In Scotland, for example, they have legislation that requires a person who wishes to be a landlord to meet a fit and proper person test. That deals with a range of issues, including whether there is a criminal history there, or maybe a person has been a bad landlord, or the agents letting the property have a history of antisocial behaviour in their properties, or some other criteria. Without going into all the criteria that may be adopted, the Committee wished to see a fit and proper person test of landlord eligibility established. That, again, is part of the framework and the environment within which, we believe, the provision and the standards of houses for private rental would be dramatically improved.

The Minister referred to registration fees. The Committee was of the general view that the registration fee may be too limited, too low. Although we do not want a fee that will be a burden on landlords, we think that registration fees are too low. We have to consider the fact that the registration fee for a landlord who owns a single property will be the same as that for one who may own 100. That has to be taken into consideration in establishing a registration fee.

The fines for non-registration — again, the Committee looked at this. It felt that, if landlords were in default of their responsibilities — and again, this applies only to those unscrupulous landlords who are out there, not those with professional integrity, who we all know are out there — the fines, as we understand them, would not be a deterrent. For example, to use the Scottish model again, I think that the maximum fees are up to £50,000. The Committee is not saying that it wants to see a £50,000 fine as a maximum; in fact, it was cautioned against seeking to second-guess what the judiciary may wish to impose. However, the Committee felt that there needs to be a maximum fine that would be a deterrent for people who fail to register. Again, we thought that that was very important.

On the issue of an information pack, we felt, as a Committee, that it would be important that all landlords be issued with an information pack that details their responsibilities, obligations and, of course, rights. Equally, the Committee was concerned that those information packs would also be provided to people renting accommodation. To try to encapsulate the Committee's views; it thought that these

regulations, as the Minister has outlined them, are too light touch in design. Some Committee members thought that, over the past years and given that this was dealt with in the previous mandate, they may more aptly be described as soft touch.

The Committee believed that, in general — I think I am faithfully recording this — the regulations need to be more robust if we are going to achieve the outcome that the Minister and the Department are saying they want to achieve. Therefore, as I said, they wanted to increase the registration fees and the fines for non-registration.

One of the things that we were very clearly reminded about and advised of by the Department over the last number of months when we were deliberating on the regulation was that the regulation can go no further than what the primary legislation of 2006 provides for. Some members of the Committee had rehearsed the fact that, in the previous mandate, they had argued for a more robust Private Tenancies Order, but they were advised at that time by the Department that their concerns could be addressed by way of statutory regulation in the upcoming period. Lo and behold, we now discover that that, in fact, has not been the case. I will not use the term "misadvised", but certainly that was the interpretation provided to the Committee at that time. I was not on the Committee at that time, so I am going by members' recollections, and clear recollections at that. The fact of the matter is that, at this moment in time, the primary legislation of 2006 prevents this regulation from being more robust. That is an issue.

We were advised that the Department would want to review the regulation within something like a two-year period. That, of course, will take us into a new mandate, and I think that the Committee will be quite determined to ensure that we monitor it much earlier than that, and as soon as we can. We entirely accept the intention of the Department and the Minister to ensure that the regulation improves the situation for those who are renting from the private sector and that it drives up standards, accountability and so on. We want to make sure that the Department puts in place a monitoring process so that we can track that in a shorter time frame in the time ahead.

Therefore, notwithstanding the reservations and caveats that I have outlined — I do not want to go into them in any more detail, but obviously the Committee expressed a number of reservations, which I am rehearsing this

morning on its behalf — the Committee recommends that we support the statutory rule.

Mr Copeland: I will begin by thanking the Minister for bringing forward the proposals, and I agree with and echo most, if not all, of what the Committee Chair said. Anything that will raise the standards in the private sector is clearly welcomed. Even at this late stage, it is the least that we should expect.

In Northern Ireland, around one in six people lives in privately rented accommodation. It is therefore imperative that that sector is adequately regulated. The landlord regulation scheme is certainly a step in the right direction towards achieving that end. It is my hope that the scheme will also act as an educational tool for landlords. Private landlords should and must be held to account at every potential opportunity. They should be made fully aware of their responsibilities to their tenants and acknowledge the role that they play in this society. In future, with the scheme in place, there can be no excuses regarding any ignorance of responsibility or duty.

When we talk about incompetent landlords, we refer only to a small fraction, but that fraction is still too large. If we are to retrieve the image of the privately rented sector, we must do all that we can to eradicate shoddy landlordism. There are, of course, bad tenants as well as bad landlords, and the scheme should act as an educational tool for them also. In future, it should not be acceptable for tenants to ignore their responsibilities to their landlords and, indeed, to their neighbours.

Under the new scheme, the vulnerable persons in our society who are living in private rentals are afforded a reassuring hand. I am particularly mindful of our student population, who are, at present, dependent, to a large degree, on the honesty of their landlords. So too are foreign nationals residing in Northern Ireland, who are driven, by the way in which we provide social housing, to the private sector. Here they find themselves possibly at risk of exploitation due to language barriers as well as their unfamiliarity with our system.

This registration scheme will allow tenants to put their trust in a landlord and vice versa. It will provide peace of mind for the vast majority of good landlords and tenants alike. The scheme was first mooted in 2009-2010 before the Housing (Amendment) Bill passed Final Stage a year later, in March 2011. I will register my small disappointment that the scheme was not in place for the start of the current academic year, therefore subjecting students to another

year of potential exploitation by incompetent landlords.

Mr Durkan: I, too, thank the Minister for proposing the motion. I will not go over the Chairperson's and Mr Copeland's comments, although I agree wholeheartedly with most of what has been said. I also welcome the regulation of this sector and the improvements that that should bring to the quality of tenants' lives.

It will help to clamp down on what Mr Copeland described as incompetent landlords and on what Mr Maskey described as unscrupulous landlords. However, it is also very important that, as Mr Copeland and Mr Maskey said, landlords are afforded some protection, because the vast majority, on whom we are going to be ever more reliant, are good landlords with consciences.

As Mr Maskey said, it is regrettable that the Department has not moved to include the legal obligations in these regulations, but I will take them as they are, because they certainly represent a step towards the regulation of landlords in Northern Ireland and provide a safeguard for tenants as a result. I support the motion.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle. I support the adoption of these regulations. In the previous mandate I tabled two motions in the House calling for mandatory registration. One was successful and one was not; Members must have been in a bad mood on that day because they did not pick up on it.

My party raised the issue of the need for regulation of the private rented sector at Committee after Committee after Committee, and we were glad at the end when, through the Housing (Amendment) Bill, the regulations were drawn up. As Alex said, we were unhappy that a more robust registration scheme had not been brought forward. However, this is a beginning, and the sooner the scheme is in place, the better it will be for tenants who suffer at the hands of bad landlords.

The private rented sector has become the biggest supplier of social housing across the board. It is bigger than the Housing Executive and the housing associations put together, and £100 million in rent goes into the sector every year. The main issue for any of us who have dealt with the private rented sector over the years on behalf of our constituents is that we have found landlords, by and large, to be

inflexible, especially when we were arguing about rents.

The purpose of the registration scheme is to bring those bad landlords and all landlords onto a register so that people can attend to those issues. I think I heard the Minister say that the registration scheme would be given to councils. That is a wise move, because council officers have the experience that will allow them to pursue those matters.

I am concerned that some of the issues that were raised in Committee and which, we were advised, would be picked up in the regulations, have not been included in the regulations that are in front of us. However, I hope that, as the scheme goes on, we will be able to include them in any update of the Housing (Amendment) Act 2010 or through further regulations.

Many tenants will welcome the regulations and will see them as a first step in protecting them against many landlords. Although I support the registration scheme, I want to say that — it has been said before a number of times in different debates — Members who speak in the debate should declare whether they are landlords themselves.

2.15 pm

Mr McCausland: I can assure the Member and the House that I am not a landlord. I own no property other than my own home.

I am pleased with the consensus of support across the Assembly for the regulations. I thank the Chair, Mr Maskey, and the Committee for Social Development for the positive way in which they dealt with the regulations. If I miss any issues, I will follow up in writing to Members.

Mr McCann raised a point about the appointment of a scheme registrar. As yet, no final decision has been taken as to the body that will take on the role of registrar. However, the preference is for one of the larger councils to fill that role. It is a wide-ranging role, because the registrar will be required to promote, develop, oversee and maintain the landlord registration system. That includes providing guidance on the system; making the prescribed information available on the public register; issuing landlords with certificates; and a whole series of other functions. There is something very appealing, almost natural, about one of the larger councils filling that role, and that is the thinking at the moment.

Mr Maskey asked whether it is fair that all landlords pay the same fee regardless of the number of properties that they own. Obviously, there are landlords who own only one or two properties and landlords who have a wide portfolio of properties. The Northern Ireland scheme will be a register of landlords and not a register of properties, although landlords are expected to list their properties on the registration. The registration fee is set at £70 — £80 for manual registration — for a three-year period, which equates to a total of £2 a month. Moneys received from fees will pay only for the operation of the landlord registration scheme and not the actual regulation of the private rented sector. However, a council can use any fixed penalty moneys for regulation of the private rented sector.

We will see how the scheme operates over the next number of years. It is important that we get the private rented sector right. It is a major contributor to meeting housing need in Northern Ireland. We want it to be seen as an attractive option from which people will not shy away. We want people to see it as a reasonable, attractive option and consider it.

Mr F McCann: Will the Minister give way?

Mr McCausland: Yes, sure.

Mr F McCann: You also raised the issue of HMOs, which were to be exempt. I know that consultation on HMOs is in the process of being completed. Are you saying that that decision will be put back and dealt with in the consultation?

Mr McCausland: I will come back to that in a moment.

As far as I remember, Mr Maskey also raised the issue of introducing a fit-and-proper-person test. We want to drive up standards in the sector, which is clear from what I just said. There is no evidence to indicate that a person's ability as a landlord equates to his being a fit and proper person.

At this stage, the key issue is to ensure that the chief purpose of a register of landlords is to create a central source of information about landlords and their properties. That information has not been available in the past. I am sure that Members, as local representatives, will feel that it is important to be able to access that information so that they can contact landlords and know who they are. With some properties, nobody seems to know who the landlord is, so it will be beneficial to have clarity. It will be light

touch and will minimise unnecessary hurdles and costs. The information collected will be shared with councils to enable them to target enforcement action.

HMOs and the need for action were also mentioned. All landlords will have to register, but if a house is in multiple occupation, the landlord will be registered with the Housing Executive. They will be exempt from paying the fee, but they will still have to register.

Those are the main points that were raised. We would have liked the regulations to be in place sooner; that would have been good. However, we are moving as quickly as possible, and the scheme is welcomed by everybody. I am certain that we all want to see improvements in the sector, make it an attractive option and give tenants confidence in renting privately. I thank Members for their interest in these regulations, and I hope that they back them.

Question put and agreed to.

Resolved:

That the draft Landlord Registration Scheme Regulations (Northern Ireland) 2012 be approved.

Tenancy Deposit Schemes Regulations (Northern Ireland) 2012

Mr McCausland (The Minister for Social Development): I beg to move

That the draft Tenancy Deposit Schemes Regulations (Northern Ireland) 2012 be approved.

These regulations are made under articles 5A and 5B of the Private Tenancies (Northern Ireland) Order 2006.

One of the key issues in the Department's 2010 strategy for the private rented sector, 'Building Sound Foundations', was the need to introduce a mandatory tenancy deposit scheme to address the problems that arise around the return of tenant deposits.

Tenancy deposit schemes will provide benefits both for landlords and tenants by encouraging a more professional approach to tenancy deposit practice, minimising disputes and going some way to improving the sector's reputation as a desirable housing option. It is not intended that the scheme will make deposits compulsory, but it will apply where a landlord decides to take a deposit from the tenant. For every new tenancy where a deposit is required, the landlord must be covered by a tenancy deposit scheme that is approved by the Department.

The introduction of a tenancy deposit scheme has a number of objectives. First, it will safeguard the tenant's deposit, which will minimise the difficulties that can occur between landlord and tenant on the return of a deposit. Secondly, it will ensure a speedy and independent dispute-handling service that is free for both the landlord and tenant to use. Thirdly, it will improve accessibility to private rental accommodation for low-income families and the most vulnerable. Fourthly, it will gather relevant data on tenancy deposits, the dispute service and the performance of the scheme administrator so that policy development can be underpinned.

The purpose of the draft Tenancy Deposit Schemes Regulations is to give effect to the establishment of tenancy deposit schemes, including the functions and responsibilities of a scheme administrator and the information that a landlord must provide to both the administrator and the tenant to ensure that the tenancy deposit is secure.

The regulations set out the requirements for the approval of a scheme administrator, and only

those who satisfy those requirements will be approved to operate a tenancy deposit scheme. The role of scheme administrator will be advertised. I have asked my officials to ensure that the scheme administrator can be appointed as soon as possible after the regulations are made and pave the way for the speedy introduction of a scheme. That will probably be early in the new year.

Two types of tenancy deposit scheme will be allowed to operate in Northern Ireland, similar to the custodial and insurance schemes that have been operating in England and Wales since April 2007. In the custodial scheme, which is free to use, the landlord hands over the deposit to the scheme administrator for safe keeping in a designated account, and either the tenant or the landlord can apply at the end of the tenancy for repayment of the deposit. In the event of a dispute, the scheme administrator will hold on to the disputed amount until the dispute is resolved.

Under the insurance scheme, the landlord holds on to the deposit and pays a fee and any contribution towards insurance to the scheme administrator. The landlord refunds the deposit to the tenant when it is due to be refunded. In cases where there is a dispute, the landlord hands over to the scheme administrator the disputed amount to safeguard until the dispute is resolved.

I am sure that Members across the Assembly will agree that the private rental sector is critical to meeting housing need for many, and I consider that the regulations will make significant improvements in the private rented sector so that tenants can have confidence in renting privately, in handing over their deposit and in having that deposit refunded at the end of the tenancy.

Mr Deputy Speaker: I call Mr Alex Maskey, the Chairperson of the Social Development Committee. As Question Time begins at 2.30 pm, I may have to interrupt you.

Mr Maskey (The Chairperson of the Committee for Social Development): I do not think that you will have to, a LeasCheann Comhairle. I will be very brief.

The Committee first considered the SL1 on 28 June, and, at that meeting, it was content for the rule to be made, although the Committee sought clarification on a number of issues. The Minister outlined many of those, which are to do with the nature of the scheme, the type of scheme, who may be the registrar, and so on. Although the Committee would like to have had

that information at the time, it did, of course, agree that the statutory rule be made. As Chair of the Committee, I endorse that on its behalf.

Many Members will be aware of the issue of dealing with of unscrupulous landlords. Thankfully, such landlords are in a minority, but a number of people have fallen foul of unscrupulous landlords or been in circumstances in which deposits have been taken from them more or less routinely rather than as required. Therefore, the Committee welcomes the deposit scheme for tenants and the information that the Minister has provided to the House. On that basis, we will endorse the regulations.

Mr Deputy Speaker: Question Time begins at 2.30 pm, so I suggest that the House take its ease until then. The debate will continue after Question Time, when the next Member to be called to speak will be Mr Michael Copeland.

2.30 pm

Oral Answers to Questions

Agriculture and Rural Development

Dairy Farming: Code of Practice

1. **Mr Girvan** asked the Minister of Agriculture and Rural Development what support her Department is giving to dairy farmers in urging Dairy UK in Northern Ireland to engage with the farmers' unions to implement a code of practice for the dairy sector supply chain similar to the voluntary code of practice launched in Great Britain earlier this month. (AQO 2470/11-15)

Mrs O'Neill (The Minister of Agriculture and Rural Development): At the outset, I advise that the voluntary code of practice on contractual relationships that has been agreed between dairy farmers and milk buyers in Britain is an industry document. It builds upon existing arrangements in the dairy sector. We have been following developments in Britain closely in liaison with the local dairy industry. During that process, their view has been to await the outcome of the negotiations in Britain before assessing its relevance and applicability to the local industry.

Following agreement of the voluntary code in Britain, my officials have been in contact with representatives of the Ulster Farmers' Union and local representatives of Dairy UK to encourage them to develop a local position on this matter, and both organisations are fully apprised of the need to do so quickly. Last week, Dairy UK gave the local representatives of the organisation an outline on the new code, and they have now arranged a meeting with the Ulster Farmers' Union on the matter. I hope that both parties will reach a decision soon on the best way forward for our dairy industry.

Mr Girvan: I thank the Minister for her answer but the message that I am getting from farmers, not just in the dairy industry but in the whole agricultural sector, is that they are all coming under extreme pressure because of the increased cost of fodder and grain. I want to make sure that those concerns are being taken on board and that we do not lose part of our agrifood industry due to lack of support from the Department.

Mrs O'Neill: I totally agree, and I sympathise with farmers. It is a very difficult time,

particularly with the weather and the increase in prices on the global markets, and we have to continue to work with the industry. That is one reason why Minister Foster and I established the agrifood strategy board to look at the challenges for our sectors. Unfortunately, a lot of the issues, such as pricing and global markets, are beyond our control, but we have to work with industry and do our best for all those involved. When we are talking about the dairy sector and the voluntary code, we must recognise that there is a distinct difference between the set up here and that in Britain in that most of our farmers are involved in co-operatives and so are involved further up the chain. We will have to continue to work with industry to make sure that we protect all our industries. Dairy is an important player in gross agricultural output, but all our sectors need to be supported given all the challenges that are presented to them.

Mr Swann: Can the Minister guarantee the House that she will bring measures — and will she outline those measures — to bring stability to local milk producers, processors and retailers before the ending of milk quotas in 2015?

Mrs O'Neill: The Member will be aware that, as I said in an earlier answer, we are working very closely with the industry to support its needs. We have become involved in the EU dairy package, which works with industry to look at what markets we should explore after 2015 when quotas go. One difference between us and Britain is that we are self-sufficient in milk and milk products whereas Britain is not. So, we are targeting the export market. We will continue to work with the industry to make sure that we are prepared for post-2015. That work is ongoing.

Mr McAleer: Will the Minister tell us the main elements of the voluntary code?

Mrs O'Neill: Yes. The code of practice put into place in Britain recently allows for a period of 30 days' notice to a change to a farmer's price or other contractual terms. There is provision in it that, where buyers exercise their discretion to change a farmer's price or other contractual terms, the farmer can, in turn, exercise his right to terminate the contract on a month's notice if he disagrees with the change. There are some other aspects to it, particularly around encouraging processors to engage with producer groups, and terms to allow a producer to expand production, and, if the purchaser does not want all the additional volume at the same or existing terms, there is an option for the producer to supply another buyer on a non-

exclusive contract. Finally, the review process will be kept under review and reviewed after 12 months.

DARD: Headquarters

2. **Mrs Cochrane** asked the Minister of Agriculture and Rural Development to outline the business case for the move of her Department's headquarters to Ballykelly. (AQO 2471/11-15)

6. **Mr Anderson** asked the Minister of Agriculture and Rural Development what sites, other than Ballykelly, were evaluated for the relocation of her Department's headquarters. (AQO 2475/11-15)

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. With your permission, I will answer questions 2 and 6 together.

As Members will be aware, the Department's headquarters at Dundonald House and Hydebank are no longer fit for purpose. It was against that backdrop that my predecessor, Michelle Gildernew, saw an opportunity to spread high quality public sector jobs across the North and announced her intention to consider relocating the headquarters of the Department of Agriculture and Rural Development (DARD) to a rural area. I progressed that further by securing a Programme for Government commitment, and a strategic outline case for the project has been approved.

In relation to the relocation to Ballykelly, a number of steps were taken before reaching my final decision. The first stage in the process was to develop a long list of potential locations. That list was taken from the new regional development strategy. My officials scored each local government district against a defined set of criteria, which included nine socio-economic factors such as unemployment levels, deprivation and earnings levels, as well as practical considerations such as the number of public sector and Civil Service jobs already sited in the area.

As a result of that analysis, the top two areas indicated were both in the north-west. I made my decision to relocate to Ballykelly based on two further factors, namely the availability of the Executive owned site at Shackleton Barracks, and the availability of buildings on that site that could be converted to office accommodation. Use of that site and the buildings available has the potential to significantly reduce the cost of

relocation from £26 million, which is the estimated cost of a newbuild.

I have asked officials to provide me with a business case that outlines the options for relocating the headquarters to Ballykelly. That business case will consider other issues such as value for money and potential savings.

Mrs Cochrane: I thank the Minister for her response. Can she confirm that no staff will be forced to relocate to Ballykelly against their wishes?

Mrs O'Neill: I have said publicly that we have a significant period ahead in which we can work with the trade unions and get everyone talking and planning for the move. We do not expect to be on the site until 2015. I recognise that relocation could cause some problems for some of the existing staff. I have given assurances that I do not want to see any existing staff forced to move. I will take the time that we have to develop and implement change. That can include looking at more flexible working, and maybe doing things a wee bit differently. I do not expect that existing members of staff will be forced to move, but it may not be possible in all situations.

All staff have rights and responsibilities under their existing contracts. Those rights will be honoured. I expect that the key element in all of this will be to work with the trade unions in the time ahead. We will continue that dialogue until 2015.

Mr Anderson: I thank the Minister for her response. In light of her decision to relocate DARD headquarters to Ballykelly, and the possibility that no core staff will be left in Belfast, did you consider services within the Department, such as fisheries, being located at one of the main fishing ports?

Mrs O'Neill: As I said, the programme board looked at a set of objective criteria and took forward that piece of work without ruling out any area. There was a long list of locations. When the board applied the criteria, it presented me with a list. No consideration was given, at that stage, to moving the fisheries section to a separate site.

What is most important about the move is that we are relocating high value, public sector jobs. We are creating a fairer distribution of those jobs across the North because, for too long, they have all been centralised in one area, and that is unfair. That is something that Bain recommended some time ago, and the

Executive have given a commitment to rebalance that distribution. It also helps to build our economy in a fairer way, with a better distribution of jobs.

Mr Byrne: I thank the Minister for taking the brave decision to relocate a major public sector office block outside Belfast. That is welcome, and it promotes balanced regional development. Will the Minister tell us what criteria were used in assessing the various sites, and whether her Department gave consideration to private sector design-and-build schemes?

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. The criteria that were used were based on deprivation, availability of public sector jobs, earnings levels, land availability, unemployment figures and demography. All those things were taken into account and applied to the 26 council areas, as I described in an earlier response. It was a very objective process. The programme board put a lot of time and effort into making sure that it brought forward the best recommendations. I think that it was a very fair process. I am glad that you have welcomed the move to Ballykelly. I would like to make this point: people are concerned about jobs and the amount of jobs. There are actually 800 public sector jobs in that area for people who travel into the Belfast area. There is massive potential there for people to get a better work/home balance.

Mr McClarty: I thank the Minister for her responses so far. I also thank her for the very wise decision to relocate the Department to Ballykelly. Obviously, such a move will be huge logistically and phased over a period of time. When is that phasing due to begin, and over what length of time?

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. The more detailed business case is being developed. The work has started now that the location has been named, and it narrows it down and allows you to take it into proper costings. The work is ongoing with trade unions. That conversation has already started, and they have been consulted along the whole process. As I say, now, given the implications for staff, it is very important that we continue those conversations and develop them further. There is potential for staff who are outside the existing DARD staff to move into DARD because of the opportunities to work closer to home. That work will be ongoing. We expect work to start on the site in the middle of next year, with the move-in date being in 2015.

Animal Welfare

3. **Mr Agnew** asked the Minister of Agriculture and Rural Development what steps she intends to take to improve enforcement action on breaches of animal welfare legislation. (AQO 2472/11-15)

8. **Mr Wells** asked the Minister of Agriculture and Rural Development to outline the legislation that deals with cruelty to dogs. (AQO 2477/11-15)

13. **Mr Sheehan** asked the Minister of Agriculture and Rural Development, in light of vicious attacks on family pets, how the new arrangements outlined in the Welfare of Animals Act (NI) 2011 are being implemented. (AQO 2482/11-15)

Mrs O'Neill: With your permission, Mr Speaker, I will take questions 3, 8 and 13 together.

The Welfare of Animals Act 2011 replaces the Welfare of Animals Act 1972 and is a major step forward in protecting the welfare of both farmed and other animals; that is, domestic pets and horses. The 2011 Act has addressed the legislative gap between the high levels of protection previously afforded to farmed animals compared with the somewhat limited protection that was given to other animals, including domestic pets, and greatly strengthens the powers to deal with animal welfare issues. The Act introduces a duty of care for all protected animals; allows action to be taken to protect animals from unnecessary suffering; strengthens the powers in respect of animal fighting; provides powers to regulate a wide range of activities involving animals; and increases the penalties for serious animal welfare offences.

The 2011 Act recognises that animal cruelty and causing unnecessary suffering to any animal are very serious offences, and I think the penalties reflect that. From 2 April 2012, the 2011 Act has significantly increased the penalties for animal welfare offences from three months' imprisonment and/or a £5,000 fine, to a maximum of two years' imprisonment and/or an unlimited fine. These new penalties are stiffer than those in Britain, which has a maximum penalty of one year's imprisonment and/or a £20,000 fine. I believe that the Welfare of Animals Act 2011 is fit for purpose and that the tough penalties that have been introduced in this new legislation will provide a strong deterrent, thus protecting animals from unnecessary suffering and cruelty.

The Act has extended the resource that is available to deal with breaches of animal welfare legislation. Enforcement roles in the new Welfare of Animals Act 2011 are very clear: my Department continues to have responsibility for farmed animals; the PSNI continues to have responsibility for wild animals, animal fighting and welfare issues where other criminal activities are involved; and councils now have responsibility for other animals, which includes domestic pets and horses.

The Act places a statutory enforcement obligation on DARD, councils and the PSNI, who can exercise discretion as to how best to implement those powers in order to prioritise the actions within available resources.

Mr Agnew: I thank the Minister for her response. I certainly welcome many of the improvements to the legislation on animal welfare that were made with the 2011 Act. We are all well aware of the recent horrific story of the dog called Cody, which brought to light the issue of animal cruelty. The frustration, Minister, is that when you go to report those issues —

Mr Deputy Speaker: We need a question.

Mr Agnew: — to the police, they refer you to the USPCA, when the police are the correct port of call. What can the Minister and her Department do to ensure that the 2011 Act is properly implemented, and any breaches enforced?

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. I can confirm to the Member that I had a discussion with the Chief Constable, Matt Baggott, recently on that very issue. The USPCA also raised with me the fact that people were not always sure of the best point of contact. I think that one single point of contact would be very helpful. We have done some work — we have done a lot of work actually — in trying to promote the fact that we now have new animal welfare officers and the roles that councils will carry out, and we are encouraging people to make that point of contact. However, as you say, given that there are three agencies involved, it is important that we continue to raise awareness and to publicise those contact points. Over the coming weeks, my Department intends to issue a press release, which will be aimed at farmers in particular. It will look at the actions that they should take to protect the welfare of their animals. It is also important that all agencies that are involved in animal welfare get involved

and make sure that their points of contact are very clear and easily identifiable for anybody who needs to report anything.

2.45 pm

Mr Wells: The Minister's predecessor made it very clear that she was personally committed to stamping out animal cruelty. Does the Minister share that view? Does she also agree that the only way to make those who perpetrate those evil deeds sit up and think is for a very stiff custodial sentence to be imposed on someone who carries out an evil act of animal cruelty?

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. Like my predecessor, I am committed to stamping out animal cruelty. We have driven forward this legislation, and we have given councils all the support — financial and departmental advice — that we can. The sentencing, fines and everything that is in place since we brought in the new 2011 Act are adequate, particularly if you compare them with what is going on in Britain. This is stronger legislation than anywhere else on these islands, and that is important to note. All of us need to be very proactive in promoting good points of contact, as was raised previously, and in promoting good animal welfare standards. What happened to Cody the dog, as has been raised, was simply not good enough. It is something that shocks everybody and raises the issue of animal welfare in the minds of everybody.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí go dtí seo. Can the Minister tell us how the councils are enforcing the Welfare of Animals Act?

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. There are five animal welfare officers in place, and those officers can work across the whole of the North, if necessary. They are not based in or confined to one area. It is important that I update the House on the number of complaints that have been made to councils since the power was passed to them on 2 April. Until 31 August, 2,190 complaints were passed to councils. Some of them were unfounded, but some required action to be taken. The councils dealt with some by offering advice to people on how they could improve on what they were doing. That is more of a preventative approach. A lot of action had to be taken, and there have been some prosecutions. I am very pleased and encouraged by the positive approach that has been taken by councils to date in respect of

their new responsibilities. I am also very pleased about the ongoing close and effective partnership working there has been between the Department, the PSNI and council officials. The one thing that I would like to make clear today is that we need to give sufficient time for these new practices and arrangements to bed in, and the Department will continue to monitor them very carefully.

Mrs McKeivitt: Minister, given the high number of complaints, which you have just released to the House, have you any plans to increase the money in the councils' budgets to enable them to deliver a more proactive service, as you alluded to in your previous answer?

Mrs O'Neill: As I said, the Department is providing an annual sum to help councils to implement their new role. To date, £760,000 was available for the 2011-12 year and £780,000 for this financial year. We are aware that that is going to increase by £20,000 each year for the next couple of years. At this stage, councils have not come and asked for additional funding, but we are continuing to keep the lines of communication open and to keep things under review. At this stage, it seems to be manageable in the budget that has been placed there.

Mr Elliott: Does the Minister accept that the vast majority of farmers implement proper animal welfare? How will she ensure that those law-abiding farmers who do things right will not be on the wrong side of the legislation? Will the system be overburdened with bureaucracy?

Mrs O'Neill: The legislation does not attempt in any shape or fashion to be overly bureaucratic or to impact negatively on farmers. The legislation is purely about animal welfare. As you said, the majority of farmers are involved in good practice. Obviously, it is in their interests to be so, but they also care about the land and the livestock that they look after. So, the legislation is not geared in the direction that you have outlined.

DARD Direct: Newtownards

4. **Mr Hamilton** asked the Minister of Agriculture and Rural Development for an update on the roll-out of the DARD Direct office in Newtownards. (AQO 2473/11-15)

Mrs O'Neill: The Department of Finance and Personnel (DFP) has confirmed that a lease was negotiated for Sketrick House in Newtownards in July. A tender process is

required to refurbish this property to meet the DARD Direct specification. Although this process has commenced and contractors have been shortlisted, the prioritisation of the work to repair the flood damage caused by the incident at Dundonald House has impacted on DFP's timeline for delivery of this project. This refurbishment is now expected to be complete in early May 2013.

Mr Hamilton: I thank the Minister for her reply and for the good progress that she outlined. The Minister will know that Newtownards was not originally selected as a site for DARD Direct but, because of a local campaign, it was ultimately picked. Notwithstanding the issues that the Minister raised, will she assure the House and the rural community in Ards and north Down that there will be no further undue delay in bringing that one-stop shop solution to the rural community in that area?

Mrs O'Neill: I am happy to confirm that. As I said, early May 2013 is the date by which we expect to have moved in, and all staff should be in place at that stage. Unfortunately, the events of 27 June, when torrential rain caused the flooding of Dundonald House, changed the picture somewhat. I am content that the work is ongoing and that things will be in place by May 2013.

Mr Nesbitt: The Minister will, no doubt, be aware that the Newtownards divisional veterinary office has seen a 10% increase in TB among herds, which is the highest in Northern Ireland. Does she need any more reason to commit fully to eradicating TB in Northern Ireland, and what actions has she taken?

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle —

Mr Deputy Speaker: Minister, the question is not relevant, but you may answer if you so wish.

Mrs O'Neill: I was just going to make the point that it was a bit far of a stretch from the original question. The Member is aware of my position on TB.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister detail how many staff will be relocated to the DARD Direct office in Newtownards?

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. Currently, 35 staff are

headquartered at Kiltonga and 10 at Portaferry Road, and all will move to the new office.

Rural Challenge Programme

5. **Mr Brady** asked the Minister of Agriculture and Rural Development how the new rural challenge fund will operate. (AQO 2474/11-15)

Mrs O'Neill: The rural challenge programme 2012 opened its call for applications for funding on 14 September. The programme invites community and voluntary groups to identify poverty and isolation issues in their rural areas and communities, and it provides an opportunity to obtain funding support to develop and implement solutions.

The challenge programme will support bottom-up, community-led activities, and funding is available for up to 100% of eligible costs for at least 70 projects, with funding ranging from a minimum of £2,000 to a maximum grant of £10,000 per project. The project implementation period is anticipated to be 21 months, with letters of offer to successful applicants scheduled to issue in February/March 2013.

Following recommendations from the evaluation of the previous rural challenge programme, applicants must focus on assisting at least one of the following target beneficiary groups: children and young people; lone parents; the unemployed; disabled people; carers; the elderly; and ethnic minorities. The selection process for successful projects will be competitive, and the intention is to fund 10 projects from each beneficiary grouping.

Best practice workshops will be arranged to assist and inform applicants throughout the process. Across the North, rural support networks will be present at these workshops and available to assist community and voluntary groups in completing their application forms as required. The deadline for receipt of applications is 14 December 2012.

Mr Brady: I thank the Minister for her answer. Will she tell us how successful the rural challenge programme was in 2009?

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. The 2009 challenge programme was a component of the then £10 million rural anti-poverty and social inclusion framework. That framework sought to address rural poverty and social exclusion through a number of relatively large and specific programmes, namely, community development;

fuel poverty; rural transport and access; and rural childcare. In financial terms, the rural challenge programme was, at £300,000, a smaller part of the framework. It is fair to say that the independent evaluation of the programme, which was undertaken by NISRA, has highlighted that, as a small grants scheme, the programme was extremely successful in attracting a relatively broad range of projects and delivering a range of activities across the North. Approximately 78 projects were delivered, providing various services for around 6,000 beneficiaries. The 78 funded projects were delivered by organisations such as community groups and associations, sports and social clubs, youth clubs and charitable organisations. The project was very successful, and this round aims to build on the successes of the previous programme.

Mr Campbell: The Minister will be aware that, in recent weeks, concern has been expressed in some pockets of rural areas regarding the inaccessibility of broadband. Although that is primarily a Department of Enterprise, Trade and Investment (DETI) responsibility, will she undertake to examine the issue to find out whether, if groups from rural areas make applications under the rural challenge fund to try to get better accessibility to broadband in those areas, that will be considered?

Mrs O'Neill: Groups simply come forward under the target areas that I identified, and all applications will be looked at on that basis. You are right that rural broadband is primarily a DETI responsibility. However, I have taken up the issue since coming into office. Under the rural development programme, we have set aside £5 million to work with DETI at targeting the "not spots". In some areas, people have no access, and in other areas, access that is not worth having. We need to address those problems. It is frustrating for people in rural areas when they hear about faster broadband speeds when they are not even on the slowest speed rung of the ladder. I will continue to work with DETI on that project.

Mr Kinahan: If and when schools in rural areas are closed as part of area planning, does the Minister see the rural challenge fund being used to help those people who suffer from poverty and social exclusion?

Mrs O'Neill: As I said in my original answer, all groups under the target groups are welcome to come forward with ideas and projects. The beauty of the fund is that it allows people to tailor an application to the needs of their local community. Whether it is children or young

people, carers or disabled people, a group that comes forward with a worthy project targeting any of those groups will be considered. The fund is unique in that there is no predefined way to do things. If people have a solution to suit the needs of their area, they should come forward.

My colleague the Minister of Education is committed to the educational needs of all children and to raising standards across the board. He is aware of particular instances in rural communities, where a school is quite often the centre of a community. That is why there are criteria in his policy to look at the impact of that on the wider rural community.

Mr Deputy Speaker: As Mr Raymond McCartney is not in his place, I move on to Mr Francie Molloy — *[Interruption.]* Order. I remind Members that you do not shout across the Chamber.

Lough Neagh

9. **Mr Molloy** asked the Minister of Agriculture and Rural Development what progress has been made on exploring the possibility of bringing Lough Neagh into public ownership, as had been agreed by the Assembly on 17 April 2012. (AQO 2478/11-15)

Mrs O'Neill: Following the Assembly debate, I submitted proposals to the Executive in May on the formation of a cross-departmental working group. The proposals were endorsed, and a key requirement for the working group is to produce findings and recommendations, where appropriate, to my Executive colleagues by November 2012. I can confirm that the working group has been formed and met during September. In addition to the research and work being undertaken in the different Departments involved, an informal consultation has been launched with groups and organisations that have been identified as key stakeholders. The purpose of the consultation is to obtain their high-level views on the proposal regarding public ownership. At this stage, I am pleased to report that the working group is on track to meet its objectives and provide its findings and recommendations by the November deadline. If as a result of the working group's investigation, more time is required, I will immediately make my Executive colleagues aware of that.

Mr Molloy: I thank the Minister for her answer. What are the potential courses of action for the Executive once the findings and recommendations have been brought forward

from the Lough Neagh working group? What does she see as being the next steps?

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. The working group was established to provide high-level analysis for the Executive on the proposals regarding public ownership so that an appropriate way forward could be identified. Once the working group has provided its findings and recommendations, my Executive colleagues and I may decide that it would be appropriate to arrange further, more detailed investigations into the matters raised. It is also possible, when the findings are extremely compelling, that the potential for public ownership is ruled out. We have to be open-minded about all the issues that may come forward. It is important that we are open to commissioning further work to identify how the strategic and operational management of the lough is held by different Departments, how that could be improved and how we can maximise the benefits to the people of the North. Given the number of problems that were identified during the earlier debate, the potential benefits in public ownership of Lough Neagh are tremendous.

3.00 pm

Culture, Arts and Leisure

Mr Deputy Speaker: We must move on to questions to the Minister of Culture, Arts and Leisure. I remind Members that the Speaker received a letter from the Minister of Culture, Arts and Leisure indicating that she would not be available for plenary business this week. The Minister of Education will, therefore, respond today on her behalf.

Salmon Conservation

1. **Mrs Dobson** asked the Minister of Culture, Arts and Leisure to outline her Department's timescale for introducing legislation following the results of the recently released consultation on salmon preservation. (AQO 2485/11-15)

Mr O'Dowd (The Minister of Education): There are a number of stages to be completed on salmon conservation policy development. A statistical analysis of the responses to the consultation has been completed, and officials are considering that, together with scientific and other advice. The Minister will decide what actions are required to provide robust protection of wild Atlantic salmon stocks that are in the Department of Culture, Arts and Leisure's (DCAL) jurisdiction. The Minister will continue

to consult stakeholders and the Committee for Culture, Arts and Leisure in taking forward the necessary legislation, and she anticipates that that will come into effect during 2013.

Mrs Dobson: Does the Minister accept that salmon conservation must be tackled by legislation or regulation? Will she — or he — give a commitment that the relevant work will be taken forward in time for the 2013 fishing season?

Mr O'Dowd: It will definitely be "she" who will take forward the recommendations. I understand that the consultation is ongoing and that the Minister wants to take time to evaluate the consultation responses and have further discussions with the Committee before deciding on the most appropriate way forward. Clearly, that may be legislation, but the decision will be taken in due course.

Mrs McKeivitt: That was one of the questions that I was going to ask. Given the importance of the fishing industry, particularly in the south Down area, the conservation policy will be of grave importance, especially for people's welfare and well-being. Does the Minister envisage that the conservation policy will be in place for the 2013 salmon fishing season? That question should be answered.

Mr O'Dowd: As I indicated in my original response, it is the Minister's plan to have the policy in place by 2013. However, I am sure that the Member will agree that it is also important that the consultation responses are analysed and that discussions with the Committee are ongoing. I am sure that she will also realise that the conservation of salmon and the protection of the livelihoods of those who are involved in the fishing industry are joined together, because if there is no salmon, there will be no fishermen — or women, for that matter. So, we have to ensure that the salmon is conserved in a way that also protects the rights and entitlements of those who are involved in the industry.

Mr McMullan: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answers so far. Can he give an update on the success of the voluntary catch-and-release scheme for salmon in DCAL waters?

Mr O'Dowd: Yes. DCAL, as a fishery owner, introduced a catch-and-release-only policy for salmon in all public angling estates' waters for the 2012 season. Feedback from the angling community indicates that that decision has attracted widespread support. That is borne out

by the fact that a total of 75% of the respondents to the recent public consultation on salmon conservation were in support of mandatory catch and release for recreational angling. A number of private fishery owners and angling clubs have also confirmed that the waters that they control are now catch and release only for salmon.

Mr Storey: Given the recent concerns that anglers expressed about guidance that the Minister issued in February, especially on banning the use of the humble worm as bait for fishing on rivers, such as the River Bush in my constituency, does the Minister envisage any further restrictions on the fishing community, which are clearly in contravention to everything else that is being said about trying to enhance fishing and make it a sport and tourist —

Mr Deputy Speaker: I think that the Minister has got the gist of your question.

Mr Storey: Thank you, Mr Deputy Speaker.

Mr O'Dowd: As I have said repeatedly, the Minister wants to take into account the consultation responses, which have been logged with her Department. As I also said, the salmon has to be preserved to preserve angling rights. That makes sense to me even as an observer. So, it is about making sure that both are properly balanced.

I understand that the reduction in Atlantic salmon numbers is a matter not only for this island but one of international and global concern. Further international research is going on into that matter, but I have no doubt that the Minister of Culture, Arts and Leisure will continue to play her part in ensuring that there are salmon in the waters to be caught.

East Belfast Arts Festival

2. **Mr Douglas** asked the Minister of Culture, Arts and Leisure for her assessment of the success of the recent East Belfast Arts Festival and its role in showcasing east Belfast and Northern Ireland as a cultural destination for international visitors. (AQO 2486/11-15)

Mr O'Dowd: I understand that a full evaluation of the success of the festival has not been completed at this stage. However, initial feedback is that the inaugural festival has been successful. I understand that reviews and media coverage have been positive and that the publicity for and marketing of the festival have been successful. It is estimated that

around 2,000 people enjoyed the highly successful concert on Saturday 8 September, featuring headline act Van Morrison.

Arts and culture are key to the success of building cultural tourism to showcase east Belfast and the North of Ireland as a destination to which to attract international tourists. Local festivals such as this one contribute to the richness and variety of that offering for visitors.

Mr Douglas: I thank the Minister for stepping in for the Minister of Culture, Arts and Leisure to answer that question. Does he agree that community-based festivals make an enormous contribution to local life and that they need help and support? That festival was an inaugural festival, and it was done on a shoestring budget. Does the Department have any plans to bring people together to look at future festivals?

Mr O'Dowd: As the Member will note, in my original answer I stated that the Department has made it clear that it sees local community festivals as an integral part of its strategy and a way of promoting tourism to the North and further afield. I understand that funding to the festival was in the region of £5,000 from the Arts Council, although there may also have been sponsorship. There was a time delay in the application being submitted for further funding, but I think that those matters can be overcome.

The success of the festival was well noted. I noted it in the media myself. Van Morrison was a big attraction, and it was a major coup for the festival organisers to get him involved at a very early stage. Therefore, from DCAL's point of view, it appears that community festivals are the way forward. There is a lot of good work to be done with the East Belfast Arts Festival, and, if it continues to build on the success of this year, I have no doubt that it will be up there among the best.

Mr Copeland: In many ways, the Minister has answered the question that I wanted to put, but can he indicate whether he has any knowledge of any thought as to how the growth of the festival will continue to be promoted through funding being applied to it? It is a new venture in east Belfast, and it deserves support.

Mr O'Dowd: I understand that Arts Council officials have already met the organisers since the festival's completion, and they are discussing the way forward for future years. The key to the success of any community festival is the community and the organisation

involved. As I said to Mr Douglas, it is clear that a festival that has the nerve and tenacity to ask for Van Morrison is on the right track. I have no doubt that, in future years, it will continue to see success. I also understand that there will be further discussions with Belfast City Council and other funders to ensure the success of the festival.

Mr Lyttle: I thank the Minister for his responses so far. Does he agree that cultural festivals, and, indeed, the East Belfast Arts Festival, can make a great contribution to building a shared future in Northern Ireland? I am thinking of the East Belfast Arts Festival working in partnership with the West Belfast Festival. I was at an Irish-language documentary screening —

Mr Deputy Speaker: Will the Member come to his question please?

Mr Lyttle: — with Sammy Douglas in Ballyhackamore library. Will that be considered when looking at what future contribution the Department can make in supporting this great festival?

Mr O'Dowd: The simple answer is yes. In your question, you pointed to a number of examples of co-operation between east and west Belfast. I understand that west Belfast held one of its events in east Belfast this year for the first time ever, which is a very good thing. If you look at the example of west Belfast and where its community festival came from, it grew out of adversity and strife, and it has now built itself into an internationally recognised festival, presenting a totally different image of the west Belfast area. I have no doubt that east Belfast can do likewise, working in conjunction not only with the east Belfast community but with communities across Belfast and, indeed, further afield.

Ms McCorley: Gabhaim buíochas leis an Aire as a chuid freagraí go dtí seo. Before I ask my question, will the Minister join me in congratulating the Donegal team on their great success yesterday? Will he outline how much DCAL contributes to community festivals and indicate why the Department believes that this is good value for money?

Mr O'Dowd: I am more than happy to join the Member in congratulating Donegal on their wonderful success in the All-Ireland yesterday. The fact that I am standing beside a Mayo woman while doing so makes it that wee bit richer. I was one of the lucky 82,000 people to be in Croke Park yesterday for the match. It was a fantastic display of sportsmanship and

celebration, so it was great to be there. Congratulations to Donegal, and commiserations to Mayo.

In answer to your question, since 2008-09, DCAL has allocated more than £450,000 a year to the community festival fund. That funding is calculated using population and deprivation measures for each council area. Councils are required to match fund the allocations from DCAL. The value of community festivals can be found in the way they build social inclusion, promote talent, develop skills, provide diversionary options, generate employment opportunities and celebrate the greatness of communities across the North. They are an important and vital contributor to our wider cultural and artistic product.

2012 Olympics: Legacy

3. **Mr Nesbitt** asked the Minister of Culture, Arts and Leisure how her Department will maximise the legacy of the Olympic and Paralympic Games. (AQO 2487/11-15)

6. **Mr A Maginness** asked the Minister of Culture, Arts and Leisure, given the outstanding success of our Paralympians and Olympians, what steps her Department is taking to continue to build on the success of the London 2012 games. (AQO 2490/11-15)

Mr O'Dowd: With your permission, Mr Speaker, I will take questions 3 and 6 together.

In 2007, Ms Ní Chuilín's Department worked with stakeholders to produce the Northern Ireland Olympic and Paralympic Games 2012 strategy to ensure that the North fully participated and delivered a lasting legacy from this truly global event.

The strategic legacy benefits were identified as community engagement, economy and sport. DCAL led and co-ordinated the delivery of the strategy for the games, with key partner organisations driving the respected areas of responsibility. Sport NI is responsible for the sporting legacy. Volunteer Now is responsible for the volunteering legacy. The Arts Council is responsible for the arts and cultural legacy, and Invest NI is responsible for the economic legacy.

DCAL will continue to build on these partnerships in order to ensure that local projects and initiatives inspired by the 2012 games can develop and further enhance future events such as the City of Culture and the World Police and Fire Games.

The success of our athletes at the Olympic and Paralympic Games 2012 will also serve as an important measure of sporting achievement, as defined in the DCAL sports strategy, Sport Matters. In addition, the success of the games generally, the achievement of our local athletes, the inspiration of international competitors who trained here and the 2012 Inspire Mark programme will all be used as a catalyst for driving forward Sport Matters' three key pillars of sporting legacy, namely improved participation, performance and places for sport.

Mr Nesbitt: I thank the Minister for his answer and recognise what he says about the UK City of Culture and the Police and Fire Games. I am sure he will accept that our youth live in an instant generation of Facebook and Twitter. Were any actions unveiled alongside the closing ceremonies to try to attract them into engagement?

Mr O'Dowd: I understand the Member's question and his point about the instant gratification of social media. I think that we are being unfair to our youth in many ways. I think that the Olympics and the Paralympics and especially the achievements of our local athletes will live on for many years. Many young people will be inspired by people such as Jason Smyth, Michael McKillop, Bethany Firth, Peter and Richard Chambers, James Brown, Eilish Byrne, Paddy Barnes and Michael Conlon. I hope that I have not missed anybody out.

Mr Campbell: Alan Campbell.

Mr O'Dowd: Alan Campbell. I apologise; I am just reading from this list. All those people have shown great strength and devotion to their sport. Unfortunately, I only watched it on the television, but anybody who was lucky enough to be in the stadium would have seen that those people are leaving a long-term legacy. Our youth deserve a little more credit. I have no doubt that many young people are engaged, or planning to engage, in sport because of the Olympics.

3.15 pm

Mr A Maginness: I agree with the Minister that it was a wonderful occasion for our sportspersons, whether Olympians or Paralympians. My constituency was particularly blessed with Michael McKillop and Paddy Barnes. Has the Minister any plans to develop a boxing strategy arising out of the wonderful success of our boxers in the games?

Mr O'Dowd: The DCAL Minister announced a strategy to provide further funding to the boxing fraternity. She has a great personal interest in boxing. There is a plan in place. The Department is currently surveying boxing clubs right across the North to see what equipment and materials are required. That will be reported back to the Minister, who will then put a funding strategy in place.

Boxing is a great diversion for boys and girls to bring them in off the streets and show them a different way. It is a very fulfilling sport. Although it may be one on one in the ring, there is a great team atmosphere around a boxing club.

Mr Campbell: Looking forward to the next Olympic Games, obviously that will be part of the legacy. Everyone is aware of the difficult choice that Rory McIlroy will have to make in respect of golf, and we will support him, whatever that choice. However, does the Minister agree, and will he ask his friend the Minister of Culture, Arts and Leisure, that the same opportunity that is afforded to the likes of Rory McIlroy, Graeme McDowell and others to play for team GB and Northern Ireland, or team Ireland, should also be afforded in the Olympic Games to boxers so that they are not compelled to fight for team Ireland when they could fight for team GB and NI if they wish?

Mr O'Dowd: We should not bring our political rancour into the sporting world. If one thing has been shown over the Olympics, regardless of what team anyone from here played for or joined, the whole community got behind them in support. No matter what flag they wrapped around their shoulders at the end of the event, I noted that all sections of the community were elated that somebody from here was achieving on the world stage.

Mr Ó hOisín: What impact will the funding that went into the Olympics have on other projects in the years to come?

Mr O'Dowd: A number of points have to be taken into account in terms of National Lottery policy and legislation, which, as you know, is a reserved matter. At the outset of the Olympic Games bid, the Government consistently said, for instance, that Lottery proceedings would form part of the funding. There are four Lottery distributors, namely Sport NI, the Arts Council, the Big Lottery Fund and the Heritage Lottery Fund. The estimated local contribution is around £40 million. It should also be noted that the National Lottery will be entitled to a share of the proceedings from the sale of land and

property at the Olympic Park. I have no doubt that the DCAL Minister will continue to lobby for further funding from sources such as the National Lottery and the Olympic legacy to ensure that our current batch of athletes, and our athletes of the future, are well equipped.

Mr Allister: One issue that arose in the context of the legacy of the boxing successes was discussion about sectarianism in the sport, particularly in light of the report from the Sandy Row amateur boxing club. Why have departmental officials not yet met the club to discuss those issues, and what steps does the Department intend to take to deal with those personal experiences of sectarianism?

Mr O'Dowd: Sectarianism has no place in any walk of life, whether in sport or elsewhere in our society. I am not sure whether or not DCAL officials have met members of the club. I am not sure whether that request is in, but I am sure that DCAL officials will contact the Member in due course and brief him on that matter. I am not in a position to answer his question in detail.

Mr Molloy: I ask the Minister question 3. Sorry; question 4.

Regional Stadium Development Programme

4. **Mr Molloy** asked the Minister of Culture, Arts and Leisure what progress is being made on integrating sustainable economic, social, equality and environmental outcomes into the stadium programme. (AQO 2488/11-15)

Mr O'Dowd: The Executive are firmly committed to the use of public money for maximum improvements to the lives of those areas and communities that suffer grievous socio-economic inequalities. The Department also has stand-alone statutory and public policy requirements, as a public authority in its own right, that impose specific procedural and general duties attached to section 75 of the NI Act 1998. In keeping with those, social clauses that will maximise the sustainable economic, social, equality and environmental outcomes have been firmly embedded throughout the procurement and delivery process for all three sports stadia. Relevant clauses and measures have been factored into both contracts for the professional services and construction works contracts that have been put out to tender and will be included as an important element in the contract award criteria going forward.

The inclusion of those clauses will maximise the socio-economic impacts that are achievable through the significant investment that is being made by the Executive on the stadiums programme by targeting measurable and monitored employment opportunities and socio-economic outcomes at the areas and communities of society that are assessed as being the most objectively needy and providing a wide range of social returns for areas and communities that live in proximity to the new stadia.

Mr Molloy: Go raibh maith agat. Apologies for last time. I thank the Minister for the answer. Will he explain or outline the innovative ways in which DCAL is using section 75 to promote socio-economic returns?

Mr O'Dowd: Section 75 has historically been implemented in procedural terms by public authorities under guidance issued by the Equality Commission. That is required to ensure compliance with schedule 9 to the Act. In addition, however, section 75 imposes general duties on public authorities, such as demonstrating due regard to the need to promote equality of opportunity among various sectors. Building on those procedural and general duties, and taking into account relevant case law, DCAL is seeking to use section 75 in a positive and purposeful fashion to practically promote sustainable economic development alongside greater social equality.

Mr Humphrey: I thank the Minister for his answers so far. I ask him for an update on the three stadia: Ravenhill, Casement Park, and, of course, most importantly — as a member of the green and white army — Windsor Park.

Mr O'Dowd: I can provide the Member with that — if I just get the right page. Apologies; I am a substitute today. The three stadia are progressing; the regional stadium programme is on track and progressing well. The governing bodies of the three sports are now working in full accordance with the new delivery arrangements. As for Ravenhill, planning permission has been approved; the design team has been appointed; a contractor is to be appointed in October; and construction is due to commence in November. The completion date remains September 2014. As for Casement Park, the design team was appointed in early September. Engagement with the Department of the Environment (DOE) strategic planning division is continuing. It is intended that a contractor will be appointed by July 2013, and the completion date is September 2015. As for Windsor Park, the design team has been

appointed; early designs have been published; and community consultation is under way. Planning issues are being addressed in conjunction with strategic planning division. Construction is scheduled to commence in July 2013, with a completion date of June 2015.

With regard to specific clauses, the bidders for the Ravenhill contract have been asked to provide the following social benefits: employ seven long-term unemployed; create four new apprenticeships; have 5% of their workforce in recognised apprenticeship schemes where the workforce is over 20 employees; have two student placements; and have five practical proposals post-contract that will develop a range of social returns in the area.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. I was going to ask the Minister whether he could tell us when he expected the first Armagh versus Donegal Ulster final at Casement Park, but I know, Deputy Speaker, that you probably would not allow that, and even the Minister's renowned foresight perhaps could not see that far into the future. What steps will the Department take to ensure that the progress made to date is maintained and that the projects will remain on time?

Mr O'Dowd: I assure the Member that Down will be there before Armagh will, but that is another matter. There are regular engagements now among the authorities in each of the codes, DCAL and the programme manager. The Department is confident that, now it has a handle on this matter, the right people have been put in place, a proper focus has been placed on it and the programmes will be delivered in the timescales envisaged.

World Police and Fire Games: Volunteers

5. **Mr Lyttle** asked the Minister of Culture, Arts and Leisure, in light of the important role played by volunteers in the Olympics and Paralympics, to outline the efforts her Department has made to recruit volunteer helpers for the World Police and Fire Games 2013. (AQO 2489/11-15)

Mr O'Dowd: It is widely recognised that one of the big success stories of the Olympic and Paralympic Games was the spirit and enthusiasm of the volunteers. The World Police and Fire Games will take place in Belfast from 1 August to 10 August 2013, and around 10,000 athletes and 15,000 visitors will arrive in Belfast next August. Volunteers will be critical to the success of the games.

2013 World Police and Fire Games Limited (WPFGLtd) was established to deliver the 2013 games. The company has contracted Volunteer Now to recruit, train and manage the 3,500 volunteers required for the games. An advertising and public relations programme to recruit volunteers was launched at the start of September, and online volunteer registration opened on 3 September. Registration closes on 31 October to ensure that the necessary assessment, training and vetting of volunteers can be completed on time. As of 14 September, 1,400 people had registered their interest to be volunteers. I encourage all people and all communities across the North to support the games and to consider volunteering their skills and talents to make the games a success.

Mr Lyttle: I thank the Minister for his response. It is obviously a huge achievement for Northern Ireland to have secured the World Police and Fire Games. Does the Minister think that his colleague the Minister for sport is doing enough to capture the imagination of people in Northern Ireland by connecting them with the scale of possibility of that event? Indeed, is she working with the tourism Minister and the Minister for volunteering to make sure that we get as much information out there about the volunteering and tourism opportunities involved?

Mr O'Dowd: That is the easiest question of the afternoon, and the answer is yes. Now that the Olympic and Paralympic Games have passed, I think that there will be a focus on the World Police and Fire Games and the potential that exists for those games in Belfast. It is a major international sporting event.

Many programmes have been made and many articles penned about the Olympic and Paralympic Games, and one of the main features was the role of the volunteers. They made those games the "Friendly Games" and brought that extra dimension. I have no doubt that DCAL will be able to recruit 3,500 volunteers here to go out and do their part on the streets of Belfast and further afield to make the World Police and Fire Games the "Friendly World Police and Fire Games".

As local representatives, it is up to us all to encourage people to come forward and volunteer. The Department has specifically put an onus on people from socially deprived and neighbourhood renewal areas to come out, get involved in the games and make them their own. I think that we are in for a very exciting time with the World Police and Fire Games, and I have no doubt that local people will make them the "Friendly Games" as well.

Miss M McIlveen: Is the Education Minister in a position to update the House on what progress WPFGLtd has made to secure the private sponsorship required to deliver the games in 2013?

Mr O'Dowd: Unfortunately, the Education Minister cannot answer that question, but I have no doubt that DCAL officials will be in contact with you and will give you whatever details they have on that matter.

Mr Deputy Speaker: Mr Maskey.

Mr Maskey: Go raibh maith agat, a LeasCheann Comhairle. You are very observant. Will the Minister give us an assessment of the World Police and Fire Games company's approach to using volunteers, specifically to encourage broader social inclusion and engagement between communities and the emergency services?

Mr O'Dowd: Yes. The World Police and Fire Games company is working under significant time and organisational pressures to deliver one of the biggest international sporting events ever held on the island of Ireland. An important part of its strategy is to build on social inclusion and encourage positive engagement between communities and the emergency services.

One of the great scourges faced by our society is the extent to which respect for the emergency services — fire, rescue, police and ambulance — is not universal. In some communities, considerable educational engagement work is still needed to help build proper relationships. The Minister of Culture, Arts and Leisure and her officials are in constant contact with senior figures in the World Police and Fire Games company, and they have no doubt that everyone is committed to maximising social inclusion and community engagement over the next year.

3.30 pm

Executive Committee Business

Tenancy Deposit Schemes Regulations (Northern Ireland) 2012

Debate resumed on motion:

That the draft Tenancy Deposit Schemes Regulations (Northern Ireland) 2012 be approved. — [Mr McCausland (The Minister for Social Development).]

Mr Copeland: I welcome the regulation, as it is clearly long overdue. I register with the Department yet again my quiet disappointment at the delays.

We in Northern Ireland have been forced to watch from the sidelines as the rest of the United Kingdom moves ahead with its tenancy deposit schemes. At long last, we can elevate ourselves to some sort of equal footing with our colleagues in Great Britain. A more structured approach can only serve to benefit the reputation of the private rented sector, which I think we all agree is in dire need of image repair in some cases.

Around one in six people live in privately rented accommodation in Northern Ireland. That includes students and families, as well as migrants from foreign countries who have chosen to reside here, many of whom are in my constituency of East Belfast. The student population of this country in particular has been anticipating the tenancy deposit scheme for quite some time. At a time of increasing university fees and when families are finding it ever more difficult to make ends meet and support their children through third-level education, any scheme that will ensure that students get a fair deal is to be wholly welcomed.

There is a variety of landlords out there, just as there is a variety of tenants. Some landlords own a single property, while others possess vast portfolios. It is important to note that no landlord will be exempt from this scheme. We welcome that. Landlords who have operated fairly in the past have absolutely nothing to fear or be concerned about in these proposals. It is the landlords who thrive on greed and the misfortune of others whom we hope to eradicate.

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

The National Union of Students - Union of Students in Ireland (NUS-USI) previously conducted research, which revealed that, out of a sample of 1,302 students, 48% had their deposit unfairly withheld in their view. An introduction of this tenancy deposit scheme will ensure that these cases will in future be given a fair hearing by an independent body. That can only be to the good. Bearing in mind that these student figures are only those that we know of, what about the figures for foreign nationals having their deposits withheld? They face a more onerous and difficult situation due to the burden of language barriers as well as their general unfamiliarity with our system and our way of doing things. Therefore, if we take the figure of 48% of students who have had deposits unfairly withheld and apply that to foreign nationals, the elderly and young families, it is clear that tenants may not have been treated fairly for many years. Crucially, repayment of deposits in disputed circumstances will provide a mechanism whereby tenants can contest that decision and indeed win. That was not previously the case.

The dispute resolution mechanism will ensure that an adjudicator will provide a service that is free of charge to both the tenant and the landlord. Hopefully, this will serve to reduce the number of disputes that are dragged through the courts every year. This scheme will elevate tenants to a position of parity with their landlords by giving them the right to appeal any disputed decisions through an independent body. Again, this is something that can only be welcomed by any reasonable person.

One benefit of lagging behind the rest of the United Kingdom is that we can learn from others' mistakes and highlight the areas of the tenancy deposit schemes that have worked well. Hopefully, by studying the experienced models, we can assure the people of Northern Ireland that we are going to get this one right. I support the motion.

Mr F McCann: Go raibh míle maith agat, a LeasCheann Comhairle. I support these regulations. Members who have already spoken have covered most of what I was going to say, and, as Alex said, we do not want to repeat them. However, I will repeat them anyway.

This is an important regulation. This problem is not just confined to students or foreign nationals; it happens right across the board. All of us who deal with constituents have dealt with horror stories of people having their deposits

held back when they were leaving or asked to leave a property.

This certainly paves the way and will send out the right messages to people who choose to live in the private rented sector that the Assembly has taken on board their concerns and is moving to try to assist them. We need to keep an eye on this legislation because we may be able to add to it. Landlords and their agents have used every excuse to hold back deposits, and we have all seen the consequences of that. People have left a privately rented house, had their deposit withheld and found that they could not afford to go into any other house. They ended up either sleeping on a settee in a relative's house or, sometimes, on the street. So the regulations will be welcome and accepted. We should see them as a first stage in how we deal with the private rented sector across the board. I support the motion.

Mr McCausland: I am pleased with the consensus of support across the Assembly and the parties for the regulations. I thank the Chair and the Social Development Committee for the positive way in which they dealt with the regulations. Members' contributions generally set out the need for such a provision and indicated their support for it, which is encouraging. If any matters need to be followed up, I will do so in writing. I am certain that we all want improvements in the private rented sector. We need to make it a more attractive housing option and give tenants confidence when they rent privately, particularly when handing over and getting back their deposits. I commend the motion to the House.

Question put and agreed to.

Resolved:

That the draft Tenancy Deposit Schemes Regulations (Northern Ireland) 2012 be approved.

Committee Business

Criminal Justice Bill: Extension of Committee Stage

Mr Givan (The Chairperson of the Committee for Justice): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 14 December 2012, in relation to the Committee Stage of the Criminal Justice Bill [NIA 10/11-15].

The Committee Stage of the Criminal Justice Bill began on 4 July 2012. It is not a particularly large Bill, consisting of 10 clauses and four schedules that cover three distinct policy areas. To enable scrutiny of the Bill to start as soon as was possible, the Committee resumed its work after the summer recess. It sought written evidence by early September, which provided almost eight weeks for organisations and individuals to respond. To encourage views to be submitted, the Committee wrote to a wide range of key stakeholders and placed notices in local newspapers and on the Assembly website.

The Committee has received 25 submissions, many of which comment on and raise issues about the Bill's clauses and schedules. Several more submissions are due this week. The Committee began to take oral evidence at its meeting on 20 September. Further evidence sessions are scheduled up to 25 October.

Given the interest in the Bill and the need for robust and detailed scrutiny of the areas that it covers, at the Committee's 13 September meeting, members agreed to seek an extension to the Committee Stage until 14 December 2012. In seeking an extension, the date agreed takes account of the time that is needed to take oral evidence, carry out the clause-by-clause scrutiny and compile and agree the Committee report. It will also enable the Committee to consider a range of other important issues that are not related to the Bill, such as prison reform, the courts estate and a new five-year strategy for victims and witnesses of crime that the Department has indicated that it intends to bring to the Committee before the Christmas recess. The Committee will undertake its scrutiny responsibilities for the Bill in a diligent manner, and it requires time to discuss the issues fully. The Committee will report to the Assembly on the Bill as soon as possible within the proposed deadline of 14 December this year. I commend the motion to the House.

Mr McCartney: Gabh mo leithscéal, a LeasCheann Comhairle. Obviously, the Chair outlined the need for the extension, and we will be in total support of it.

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 14 December 2012, in relation to the Committee Stage of the Criminal Justice Bill (NIA Bill 10/11-15).

Private Members' Business

Housing Benefit

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion has 10 minutes to propose and a further 10 minutes to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and a further five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mr Durkan: I beg to move

That this Assembly calls on the Minister for Social Development to retain the direct payment of housing benefit to social landlords, following the anticipated introduction of universal credit, to avoid rent defaults and potential homelessness.

The coming months will see the presentation, dissemination and, hopefully, the minimisation of the adverse impact that the Welfare Reform Act will have here on many thousands of vulnerable people. We have already discussed and debated several of the more draconian elements of the reform, including swathes of people with disabilities losing disability living allowance (DLA) and incapacity benefit; people under 35 years old being expected to live in a single room; and people being taxed on extra bedrooms. We emphasised time and time again throughout those debates the urgent need for the Assembly to shape the legislation to suit Northern Ireland, rather than to merely accept, and effectively rubber-stamp, something that has been made in England and that has no cognisance of the realities of life here.

Although there is little doubt that the Tories' agenda is focused on cutting expenditure, the move towards universal credit is being packaged as a means of both giving and teaching claimants financial responsibility. There is to be a single household payment of benefits to one nominated person in each household. That move in itself is fraught with danger, and I fear that many households are going to have to learn the hard way. Families will have major difficulty managing budgets, which is something that many have not done before, especially when those budgets have already been reduced due to benefit cuts and rising unemployment. Problems will also arise

in families, especially where there may be addiction problems. Will the benefit find its way to its intended target? That, however, is a debate for another day, so we must focus today on the housing benefit component of universal credit.

According to the Housing Executive, in 75% of cases housing benefit is paid directly to landlords, whether that is the Housing Executive, a housing association or, increasingly, a private landlord. However, under the new arrangements, it is proposed that that benefit will be paid to the tenant, along with their other benefits, in a single monthly payment. The implications of claimants being unable to budget and, as a consequence, jeopardising their rent payments, are serious and manifold: debt; increased reliance on doorstep lenders; and, ultimately, homelessness.

The motion supports the retention of our current system, which allows tenants who believe that they are financially capable to have the money paid directly to them, and those who worry about their ability to budget will be able to have their rent paid directly to their landlord. Although housing benefit allows for that choice, the majority of social housing tenants who are housed by the Northern Ireland Housing Executive are bound by their tenancy contract to have whatever rent is being paid by housing benefit paid directly to the Housing Executive. The motion therefore serves to protect not only tenants but the needs and sustainability of the Housing Executive, housing associations and private landlords.

3.45 pm

Over the past year or so, the SDLP has engaged with charities, advice services, housing associations and many others on the impact of welfare reform. All those with whom I have spoken have expressed concerns about the impact of removing direct payments. All are anxious about the inevitable increases in rent arrears, court actions, evictions and homelessness. That impact is a very real and imminent prospect and could lead to very serious consequences for society as a whole.

Not only are we faced with an overhaul of the benefits system, but we are currently in the midst of what could fairly enough be described as a housing crisis in the North. The removal of almost guaranteed rents, paid directly from the housing benefit stream, will hit the perception of the sector among the financial institutions and capital markets. Currently, reliable rental income assists housing associations in

particular in borrowing from financial institutions, thereby contributing to the development of new social housing with less cost to the Department and, indeed, to the taxpayer.

Likewise, we have become increasingly reliant on the private sector, but it is certain that it will not rely on uncertain rent payments to cover mortgages and avoid repossessions. Many private landlords are reluctant to consent to leases that do not have direct debits or standing orders set up for payments. That is another obstacle for housing benefit claimants. That will also add, no doubt, to the burden of the Housing Executive and the housing associations in helping those who are unable to meet the requirements that are imposed by the private sector.

I welcome the inclusion of the private sector in the amendment, as it was not explicitly referred to in the motion. Lord Freud has acknowledged that, although we are bound to operate a closely aligned social security system with Britain, if a case can be made for Northern Ireland's individual circumstances, we will be afforded the opportunity to avail ourselves of those flexibilities.

Regrettably, we have higher levels of benefit dependency than other parts of the UK. We have a higher percentage of people in unemployment and more people on DLA — the list goes on. Housing benefit requirements here are very different from those in other jurisdictions. We have no equivalent of rent officers, and local housing allowance is administered differently. Here, as I said earlier, more than three quarters of housing benefit is paid directly to landlords compared with 20%, or one fifth, in England.

Overall in Northern Ireland, according to the Consumer Council, people are less financially capable than their counterparts in Great Britain, and individuals will need support to learn the skills that are needed to manage their financial affairs. Just last week, the Minister for Social Development said:

"the benefit of devolution is that we can look at things, pick out the good things, learn from other things and make sure that we do it right. We will certainly do that." — [Official Report, Vol 77, No 4, p36, col1].

We would contend that, previously in the House, the Minister has not always done that, but given the DUP amendment, with which we cannot really disagree, I have confidence in the Minister to do so on this issue. In the past, he

has indicated to me that he is committed to putting measures in place to ensure that the universal credit system does not disadvantage customers or place them in undue hardship.

I trust that he will give a commitment that he will not only secure the IT functionality but implement it. I appreciate the spirit of the amendment, but we also believe that we are obligated to retain direct payments. We ask the Minister to do that and, if necessary, find the money to do so. In our opinion, the amendment is a dilution of the motion. By accepting the amendment, we would be accepting that we may get universal credit without direct payments, something that we certainly do not want to happen. It is also important that we support the Minister in his endeavours. Hopefully that collaborative approach can bear fruit.

Although our previous attempts to ameliorate the impact of welfare reform have been rejected by some out of an apparent reluctance to test the constraints of parity, this proposal appears relatively — and I do say "relatively" — low cost and, therefore, should not suffer the same fate. We must test what flexibilities exist if we are to take seriously our role as legislators or if we are to be taken seriously as a devolved Government. Although the retention of direct payments will not stop the tsunami of cuts, it will at least reduce their impact. We must give people here any shelter that we can.

Ms P Bradley: I beg to move the following amendment:

Leave out all after "Development" and insert

"to secure, with the Department for Work and Pensions, the IT functionality to allow the choice to make direct payment of housing benefit to both social and private landlords following the introduction of universal credit, thereby helping vulnerable people to avoid rent defaults and potential homelessness."

I will start by thanking Mr Durkan for moving the motion. To be perfectly honest, I have to say that I agree with many of the statements he made. However, I see the amendment as being complementary to the motion and not something that waters it down. It gives people the choice. We have discussed and debated this many times in the Committee for Social Development. All parties in that room have had the same concerns. Our Minister also has concerns and has been lobbying for the essential IT systems to be put in place.

The general belief underpinning the changes to our welfare system is to make benefits as similar to work as possible. It is believed that, in turn, the transition will be easier for individuals. That is a justifiable and robust belief, but it is human nature to shy away from change. One of the main advantages of being in work is the ability to make choices and be in charge of our own destinies. There is little doubt that allowing those in receipt of housing benefit the option to manage and budget their own money will be an empowering experience for some and may give individuals confidence to secure employment.

I support the amendment, as developing the IT functionality will allow people to choose how their rent is paid and make individuals more accountable and more confident about being in charge of their own lives and, ultimately, increase their confidence. For some, it may be the first time that they have been asked how they want to manage their money. They have to be proactive with that decision. However, as a society, we have a duty to ensure that any changes do not make already difficult or challenging lives more stressful. For some people, managing their own budgets will not be practical. For them, the choice to have the housing benefit paid straight to their landlord, regardless of what housing sector they reside in, will be the empowering choice for them. We must ensure that our system does not place the most vulnerable people in society in an even more precarious position.

Supporters of the end of direct payments would claim that provision will be made for those who are deemed vulnerable. However, that raises the question of what the word "vulnerable" constitutes and how we can be sure that we include everybody in that category. We must be sure that the hidden vulnerable are included, as far as possible, in being given the choice. Obviously, it is impossible to draft a Bill that will cover every eventuality. However, we must ensure that flexibility is included so that, when a vulnerable person or household is identified, the move to direct payments is as quick and painless as possible. The amendment will allow that to happen.

As a society, we have a duty to care for those who are most vulnerable. We can do that by ensuring that we do not accept the implementation of a one-size-fits-all system. We must also remember that some people might not need direct payments to continue but need support to change to the new system. For some, it will be the first time they have responsibility for ensuring that their rent is paid in full and on time.

We must also have in place a system that addresses the issue of arrears due to loss of work. Trials in England have shown that the second most popular response by landlords to arrears is to serve a notice to quit, or to threaten to serve such a notice. Often, people get into arrears because of a sudden drop in income, most commonly due to loss of employment, which alone can lead to mental health issues, without the added worry of losing their home. Therefore, a flexible system that allows for direct payments to be made either way could help during such turbulent times. The direct payment may be only a temporary measure, allowing the person and their family some space to adjust to the drop in their income. Not everyone will have, or will want, direct payments, and some may receive them for only a transient period. Therefore, it is imperative that we have the necessary IT systems in place.

For those reasons, I ask the House to support the amendment.

Mr F McCann: Go raibh míle maith agat, a LeasCheann Comhairle. I support the SDLP motion. I am still unsure about whether the amendment has been accepted. I take it from Mark Durkan's expression that it has not.

I understand the intention for tabling the motion. The issue being discussed will hit many thousands of people in our constituencies across the board. About four or five years ago, Mickey Brady and myself, who were both on the Social Development Committee, debated in the Chamber the need for direct payments. At that stage, it was included in the workings of the Assembly that direct payments would be made. To go back to that now is short-sighted. We have a duty to protect those most in need in our society.

The issue of parity was raised by Mr Durkan. Previous Ministers have used the same excuses that are being used now, namely that parity is imperative and should not be broken. We have argued all along that we have a duty to look at how we push parity to the limit to ensure that people get what they are entitled to.

I commend the proposer of the motion, but if the proposal is passed by the Executive we will be into a whole series of presentations, debates and discussions on welfare reform, and direct payments will be part of that. So, while I understand the Member's motive for bringing the motion to the House, it might be a bit short-sighted because we are going to deal with it as part of a wider discussion in a couple of months.

I support the amendment. I am sorry that an arrangement could not have been made, because one of the things that we need to do is to send out a clear message to people that we share their concerns about the impact that universal credit will have. Picking up on something that Paula said, in the past the argument was that if people did not get direct payments, the choice would be between putting a loaf of bread on the table to feed their families or paying a landlord. In many cases, people will choose to feed their families. That is always the important message.

I support the motion. *[Interruption.]* I do not support the amendment, Alex is telling me.

Mr Copeland: I support the motion and the amendment. I support the amendment because it includes and encompasses the private rented sector, which the motion clearly does not. This experiment has been tried in the past with people on housing benefit in the private rented sector, where there is a thing called shortfall. People can hardly afford to pay the shortfall, accrue arrears and find themselves in the category of "intentionally homeless".

4.00 pm

However, it is vitally important that social tenants in Northern Ireland should retain the right to have housing costs paid directly to their landlord. A report released last week from the Social Market Foundation (SMF) says that the majority of social tenants who are receiving housing benefit want payments to go to their landlords. In fact, 80% of social tenants who currently receive housing benefit choose to have this paid directly to their landlord, a system that apparently works very well. Low-income households are strongly opposed to any removal of direct payments to landlords. Most are concerned that any change would lead to people spending their housing benefit on inescapable costs other than discharging their rent, for example, heating their homes and putting food on the table for their families. In turn, we will inevitably see increased arrears, and this has the potential to lead to an increased number of evictions and increased levels of homelessness.

The SMF report also found that families were concerned about moving from a weekly to a fortnightly or monthly payment and how this would affect their ability to budget. Iain Duncan Smith has suggested that the Government would allow a fortnightly payment to continue on an interim basis in some cases. I — and, I

believe, we all — would welcome the application of those sentiments. We should not forget that, if direct payments are ended, it will incur extra costs for landlords, for example in managing arrears, associated legal costs, payment collection and increased transactions. The list goes on and on.

The same report also notes that changes to the housing benefit system are also likely to create significant problems for social landlords and could, in some cases, damage their credit ratings as their income would seem to be less sure and less stable. It states:

"The result would be that housing associations would have to pay more to borrow money, with knock-on implications for the building of affordable housing and new dwellings."

It seems very clear to me that any withdrawal of direct payments would be hugely detrimental to the very class of people who we in this place should be striving to assist. Direct payment of housing costs greatly helps tenants to budget, avoiding any potential arrears and safeguarding the family home. Undoubtedly, it shields tenants from unnecessary burdens, protects social landlords' financial viability and maximises private investment in social housing.

The architects of this, I am sure, return from their warm, comfortable offices on a magnificent piece of transport infrastructure and do not find loan sharks at the door or in the front room. They will probably never in their lives have to take a judgement and tell one child that they can go on a school trip while another cannot. They will never have to justify why the kid next door has a better bike or, indeed, a better pair of shoes. This, in its current form, will undoubtedly — and I do not think there is a single Member in here, who has any working-class elements in their constituency, who will not know the difficulties that housewives and mothers particularly face on an almost daily basis in the choices that they make. We talk about budget shortfalls in government Departments of millions of pounds. On some occasions, a budget shortfall of 50 pence can be the difference between eating and not eating. Those are not words thrown in to annoy one. They are facts. There is a level of our society that is barely above subsistence and anything that puts something in their way that would be detrimental to the position as it is, never mind trying to improve it, is not to be countenanced.

Mr F McCann: Will the Member give way?

Mr Copeland: Yes, indeed, Fra.

Mr F McCann: I have listened to you speak in the Committee and in debates in here, and I know that you have a social conscience. Does that mean that your party will support any amendments to ensure that direct payments are made?

Mr Deputy Speaker: The Member has an extra minute.

Mr Copeland: With respect, I do not think that I will need it. My party will consider each amendment on the basis of the amendment, and, as we all know, there is the word "parity". I believe that parity should be examined and tested and that we can act on the basis of what we discover at that time. If you are asking me whether I am prepared to put my name or my party's name to something that I know will hurt people who I represent or who live in my constituency or, indeed, your constituency, then, sir, I have to say, no, I will not.

Ms Lo: I welcome the opportunity to speak on this very important motion on behalf of Mrs Cochrane, the Alliance Party member of the Social Development Committee. Of course, I was a member of the Social Development Committee last term.

Direct payments have been a central issue since we first heard the ideas behind the new universal credit. As Mr Durkan mentioned, many groups in the voluntary sector have serious concerns about housing benefit payments being changed, particularly for vulnerable tenants, when payments had previously been paid directly to landlords. The direct payment system is a lifeline for many social housing tenants, as it ensures that they will always have a roof over their head no matter what. The proposal to make the payments to tenants instead poses a serious risk not only for households with a member who has gambling issues or addictive tendencies but for households where there is domestic abuse or where vulnerable young people live or where a tenant has a serious physical or mental health illness. Over 133,000 households in Northern Ireland have direct payments set up with landlords, and that helps to prevent homelessness and rent arrears. Therefore, I do not think that the retention of direct payments should be reserved for vulnerable groups only. Ideally, tenants should have the choice, with safeguards in place to avoid tenants getting into rent arrears or losing their home.

The intention of the proposed changes to housing benefit under universal credit is to increase an individual's control and responsibility over their personal income and outgoings. However, my experience of dealing with constituents highlights the importance of ensuring that payment of housing benefit to tenants should only be introduced after an appropriate risk assessment has been carried out and if the tenant has requested that option. We do not want to end up in a position where tenants build up significant rent arrears or become homeless because of a decision to potentially axe a system that has worked well here for so long. That has the potential to cause significant knock-on effects for that person's family, their mental health or their ability to seek employment or training.

I was pleased to hear the recent announcement by the Secretary of State for Work and Pensions in which he spoke about flexibility with regard to retaining fortnightly payments for some under welfare reform. That bodes well for Northern Ireland recipients, and, while we need to maintain parity in the level of benefits paid, I hope that we, as an Assembly, can work together to explore as many possibilities for operational flexibility as possible in order to tailor the welfare system to local circumstances. I hope that the Minister for Social Development appreciates the importance of direct payments to social landlords and that he can retain that option for those who need or want it.

We see no benefit in disallowing tenants this choice and putting their tenancy at risk. I support the amended motion.

Ms Brown: I speak on the motion as a member of the Social Development Committee.

Universal credit, as part of the overarching benefits system, has not been universally welcomed by many in the community and voluntary sector, numerous interest groups such as Citizens Advice and many of those in receipt of benefits, who fear that the proposed changes may leave them in debt or, in the worst case, homeless. The problem as I see it is not necessarily with the idea of amalgamating various benefits into one universal credit but rather in the scale of the systems, both IT and corporate, that will be required to deliver the new benefits.

At the best of times, change can be daunting, but, for the most vulnerable, it can lead to fear and anxiety. Anyone who has witnessed the catastrophic failure of government IT projects, such as the working family tax credit fiasco, will be less than optimistic that the massive

organisational change needed to deliver universal credit will be delivered either on time or within budget.

The motion raises concern over the direct payment of the housing benefit aspect of universal credit to claimants. Those concerns are echoed in a recent report by the Social Market Foundation, which said that the majority of social tenants want their housing benefit payments to go directly to their landlord. At present, many housing benefit claimants are responsible for paying their own rent but can opt to have their benefit paid directly to their landlord. Under universal credit, the biggest change is that the claimant will receive one monthly lump sum, which represents different aspects of their claim, according to needs and entitlement.

The theory behind the direct payment of housing benefit to the claimant is one of ensuring and promoting financial independence. There is something worthwhile in ensuring and promoting financial independence. No one, for example, suggests that those in debt should be awarded endless credit as a means of getting by. However, that is different from removing choice from individuals who want to ensure that their rent is paid on time and their home is secure. So, yes, encourage those who want to take responsibility, but do not penalise those who want that extra bit of support.

With so many competing pressures on family finances, it is imperative that government does not make things more difficult than they already are. I am happy to support choice, but I have reservations about that choice being dependent on yet another untested IT system. I support the intention of the motion and the general aim of the amendment.

Mr Maskey: Go raibh maith agat, a LeasCheann Comhairle. The Member who spoke last underlined the reason why Sinn Féin will not, even reluctantly, support the amendment. To do so would be to accept that we would have to depend on the Department for Work and Pensions (DWP) or whoever to resolve the matter for us. Whereas, my party is looking for the political and government intention to resolve the issue, so that people who need or wish to avail themselves of direct payments to landlords should have that right built into the legislation.

My party supports the motion, as my colleague Fra McCann has outlined. As Paula Bradley said earlier, when the issue was raised at the Social Development Committee, all parties and

members around the table were of one mind. They shared the concerns expressed by a lot of people and stakeholders. From our own direct experience as local representatives, we know that this will be a matter of concern for a lot of people who may fall foul of it if they lose the right to have payments made directly to landlords. It will create difficulties, push people into debt and maybe into homelessness. So my party is concerned about that. As I have said, that concern is shared by all the parties.

The difficulty is that, when it comes to taking decisions, Members sometimes rely on the issue of parity. Three Members have referred to parity from their different perspectives. None of us would ignore parity — far from it. We all know that we have to deal with parity, but the views in the Chamber vary. My party's view is that we have not really tested parity. We do not think that we should be stuck with parity as an absolute point of principle. As I have said to the Minister directly, I certainly do not believe that the Assembly or, indeed, the Department has been willing to push the bounds of parity. That is a matter that we have to consider. Let us look at parity, at some point, to see how we can address matters even within the parameters of parity, although that might require a different way of administering the system. That is what we have to look at here.

The intention behind the motion is shared by most parties. The intention is to address this problem that people will experience, should money not be paid directly to landlords. However, it could be dealt with administratively. It should not be an issue around money, and, therefore, it should not be a problem of parity. It should be a matter of facilitating this solution. That is why I say that it is a political and, indeed, departmental decision, as opposed an IT issue. IT is an issue — of course, it is — but we have to look at the policy decisions that we need to take, as opposed to why some particular system does not enable it. So let us decide what we need to do politically.

Fra McCann has already touched on this. Probably, in the next number of weeks, we will be dealing with the Welfare Reform Bill, which will address the matter. We will have to tease it out in considerable detail. So in one sense, the motion is premature in coming to the Chamber at this time. Given that we have repeatedly articulated this argument, Sinn Féin Members have no difficulty in supporting the motion. It is important that we deal with it more effectively and on a more substantive basis when we give the Welfare Reform Bill our full consideration. We will look at it at that point.

4.15 pm

Mr McCausland (The Minister for Social Development): I listened with interest to all the Members who contributed to the debate and thank them for their input. It is certainly an important issue, and I am sure that we all recognise and agree that it touches the lives of many people across Northern Ireland.

As the Minister with responsibility for social security, I welcome the opportunity to respond to the motion, which calls on me:

"to retain the direct payment of housing benefit to social landlords, following the anticipated introduction of universal credit, to avoid rent defaults and potential homelessness."

It is worth setting out clearly the extent of the issue. In the current usage of direct payments for Housing Executive tenants, who make up 42% of the rented sector, 100% is paid directly to the landlord. In the case of housing associations, the percentage is 97%, and, even in the private rented sector, the percentage is 74%. Overall, across the entire sector, 86% — we sometimes say that the percentage is 80% — of people in Northern Ireland in the rented accommodation sector have their payments made directly to a landlord. That, of course, is very different to the situation across the water in Great Britain, where the majority of people do not have that direct payment and have the payment made to themselves. It is a different situation —

Mr F McCann: Will the Minister give way?

Mr McCausland: Yes.

Mr F McCann: It goes back to what I said earlier. A number of years ago, we took a decision in the Chamber that, at that stage, people said ran against what was happening in other jurisdictions. A decision was taken to pay rent directly because we took on board the difficulties and hardships that people would face if it was done otherwise.

Mr McCausland: I thank the Member for his intervention. I was simply setting out the numbers so that we are aware of the scale of the direct payments that we are talking about: 86% goes directly to a landlord as opposed, perhaps, to 20% across the water.

I was not entirely clear whether the proposer of the motion accepted the amendment. It would be helpful if I could have clarification on that.

He seems to be away in a world of his own. I will repeat the question: will the proposer of the motion clarify whether he accepts the amendment? There are two key issues. First, it is important that we also include the private rented sector, and that needs to be included in a motion. Secondly, there is an issue with practicality, and we must keep the focus on the delivery of the IT system and not do anything to weaken our negotiating position with Westminster to ensure that the IT system that is developed has the flexibility that we absolutely require in Northern Ireland.

Mr Durkan: I thank the Minister for his invitation to clarify. The words "social landlords" are in the motion, and the definition of "social" includes any landlord in receipt of housing benefit for a tenant. Therefore, although it is not explicit, it was, without a doubt, intended to include private landlords. On the technical aspects, I have to come back to Mr Maskey's points. We are fully sympathetic to the amendment and will support the Minister in his endeavours and work with DWP. However, we believe that it is imperative that we retain the capability for direct payments here. Therefore, we believe that the amendment is a dilution of the motion, and unfortunately we cannot accept it.

Mr McCausland: That has clarified the matter for me, which is helpful.

Although I welcome the motion, I must state at the outset that I do not believe that it goes far enough. It does not recognise that there are significant numbers of benefit customers in private rented accommodation. The term "social" is very specific, as it does not include private rented accommodation. We may say that somebody thinks that it might or might not, but the fact is that it does not. It is very specific. It is, therefore, important that we have the amendment to ensure that people across the rented sector, including, specifically, the private rented sector, have the benefit of direct payments to the landlord. Furthermore, the motion does not reflect the decision that I have already adopted and the outcome that I am actively pursuing, which is that, in Northern Ireland, we will have the IT flexibility to enable us to make the payment of the housing element of universal credit to all landlords. That is with the specific objective of helping vulnerable tenants to avoid accruing rent debt, with all the consequences that that can bring for themselves and their family. I think that all parties recognise the difficulty there; we are agreed on that. However, how we achieve our objective is the issue.

Members should also note that, at the April meeting of the Executive's subcommittee on welfare reform, I advised colleagues that, in principle, I was in favour of housing costs being paid directly to the landlord rather than to the customer. I, therefore, welcome the proposed amendment, which reflects my position and the efforts that my departmental officials and I have been making to ensure that we have the necessary technology in place to make direct payments of housing costs to landlords under universal credit. The matter has been on the radar for some time, and I have raised it at a number of meetings with Lord Freud, the Minister for Welfare Reform in the Department for Work and Pensions. In fact, it was a central aspect of the discussions that I had with him just last week, when we met him in London to discuss the adjustments that need to be made to the computer system when universal credit is introduced in Northern Ireland, particularly so that it will enable the direct payment of housing costs to social and private landlords in Northern Ireland.

Members should also note that, within the constraints of the parity principle, I am pursuing other adjustments to make sure that universal credit is better tailored to the needs of Northern Ireland customers, once we have the Welfare Reform Bill through the Assembly. I have asked that the IT functionality be put in place to allow the universal credit payment to be split between members of a household. In addition, I have asked the Department for Work and Pensions for the IT capability to make universal credit payments more frequently than on a monthly basis. Although I will continue to vigorously pursue those changes with Lord Freud, Members should note that there are practical considerations because of the extent to which we utilise the computer systems provided by the Department for Work and Pensions for the delivery of benefits in Northern Ireland. They include DWP's capacity to deliver the changes; a consideration of whether the changes are technically achievable in an acceptable time frame; and, where we diverge from the DWP policy, the extent to which the Northern Ireland Executive will have to bear the costs to adapt the computer system.

Members should be under no illusion that this is a simple matter. Although universal credit will simplify benefits for customers, be easier to understand and make it easier for the customer to claim, the IT that enables that to happen is complex and state-of-the-art. Over the years, my Department has, necessarily, relied on DWP for the systems needed to deliver the range of social security benefits. That will continue to be the case. I visited the DWP

operation at Birchwood near Manchester, where the universal credit system is being developed. I was very much struck by the enormity of the challenge, and, for that reason, I caution Members against thinking that the design changes that we need for Northern Ireland can be simply and easily embedded into the new computer system. I think that the figure that I was given to allow a package of changes to be brought forward can be in the region of 10,000 man or woman hours, as the case might be. That could be for flexibilities for Northern Ireland or the basic changes that are required to enable the system to deliver for Northern Ireland, such as taking account of postcodes in Northern Ireland and bank holidays that are different, for example. There are a range of those blocks of changes, and not only for Northern Ireland. This is a major piece of work.

I highlight to Members the fact that DWP Ministers have adopted the policy of paying universal credit by household on a monthly basis, and they will include support for housing costs in that payment. This is in the context that universal credit will be an integrated benefit that will replace income support, income-based jobseeker's allowance, income-related employment and support allowance, housing benefit, child tax credit and working tax credit. It will be available to working people on a low income as well as to those out of work. The aim of universal credit is to smooth the transition to work by reducing the financial support that a person receives at a rate consistent with the increase in his or her earnings.

The move to an integrated benefit is seen by DWP Ministers as an opportunity to encourage people to manage their own budgets, in much the same way as other households. In fact, universal credit should, as far as possible, replicate a wage, so the way in which it is paid is critical to the DWP policy intention. As support for housing costs will form an element of the overall universal credit payment, and in light of the drive to encourage personal responsibility for budget management, it is clear that serious consideration needs to be given to how it is paid. However, the proposed move represents a significant change for landlords and tenants, more so for those in Northern Ireland. Even in Great Britain, it is recognised that some tenants may have difficulty managing this approach, and there will be provision, when a tenant falls into arrears, for payments to revert to the landlord.

I support much of the policy intent behind universal credit. It will help to break the benefit

trap that hits many people, which must be good for them and their families. However, this is an area in which we need to take a different approach. The option to have housing payments made directly to landlords must be available not only to the vulnerable but much more widely. So we are on the same page across the Assembly on that issue. I do not consider that the approach that I have been pursuing would breach parity, because we are talking about how we deliver a benefit, not about changing the benefit itself. That measure is a very positive aspect of the current welfare reforms.

I recognise that some Members who spoke during the debate cited real concern about how the payment of housing cost to customers may impact negatively on their lives. I share those concerns. I recognise the efforts of DWP Ministers to promote independence, something with which, philosophically, I can agree, but I believe that we need to have in place IT that enables direct payments to be made to landlords.

Clearly, the debate has been worthwhile, as it has allowed Members to set out their valid concerns about the potential consequences of paying the housing cost element of universal credit directly to customers. It has also been a welcome opportunity to hear Members' concerns, and, it has given me, from the perspective of a Minister, the opportunity to inform Members of my position on the matter and bring them up to date on the work that I and officials are actively pursuing. This should ensure that the universal credit computer system is adapted to provide for the direct payment of housing cost to landlords, thus delivering my policy position and meeting the particular needs of Northern Ireland customers. Members can be assured that this will remain very high on my radar, and I will keep the Assembly updated as my consultations with Lord Freud mature over the coming months.

In closing, I again want to stress this core point: we should not suggest anything that would indicate to Westminster that we would be able to cope with delivering direct payments that had to be made manually. The practical implications of that include the possibility of human error and an enormous cost. Developing our own IT system is out of the question financially. The best option for Northern Ireland is to be part of the main system but with the flexibility that we require. Therefore, I commend the motion as amended to the Assembly, and I seek support for it on the basis that that would send the strongest signal to Westminster that every Assembly party is

looking for the same thing: we want Westminster, particularly DWP through its IT experts, to deliver for Northern Ireland the flexibilities that we want and require. By speaking with a unanimous voice, we send the strongest message to Westminster, which is where it needs to go, that everyone speaks together on this. That is how to get the best result from those at Westminster.

4.30 pm

Mr Easton: Our welfare system should be a hand up, not a handout. We should work to ensure that those on welfare are able to retain as much of their independence as possible and be in control of their own finances. I believe that the amendment will allow that to happen.

In recent trials of the new payment system in England, 11% of households experienced arrears. The most common cause of those arrears was a sudden drop in income, not the change to the payment system. That is a positive finding, but it should not make us complacent about the change being introduced to Northern Ireland. We are in charge of making decisions that can impact directly on people's lives. I take that responsibility very seriously and believe that the Committee does too. We will do all in our power to ensure that we protect the most vulnerable in our society. In ensuring that we have a system in place to allow protection for those who need it most, we are living up to that responsibility. In ensuring that we have a dual payment system in place prior to the introduction of the new system, we will allow those who fear the new system most, for a variety of reasons, a degree of security.

The one thing that a person needs to survive, after food and water, is shelter. It is one of our most basic needs. Many people fear a sudden drop in their income, simply because that would place the security of their home at risk, regardless of whether that home is bought or rented, private or social, a palace or a bedsit. I remember that, a few years ago, the Simon Community ran a campaign highlighting the fact that most people are just two pay cycles away from becoming homeless. We must ensure that this change does not see a rise in homelessness. In trials, the most common reaction from landlords to arrears was positive, allowing for the deficit to be paid back in small amounts. Worryingly, however, the second most common reaction was to mention the possibility of giving a notice to quit or to actually serve one, with 4% refusing to renew the tenancy. With a large number of people relying on the rented sector, private or social, and many of those people young or at risk of being

either in poverty or just above the poverty line, there need to be safeguards in the changes to ensure that we will not add to the number of homeless people or those at risk of homelessness.

We also have to consider the impact such changes will have on landlords. According to the National Housing Association, landlords fear that extra administration charges will come with the change. The potential is for those charges to be passed on to tenants, which may increase the burden on the private sector for those on a low income who have a top-up to their housing benefit. That could have a serious impact, bearing in mind that, in the trials, 7% of respondents indicated that their arrears were due to housing benefits being less than anticipated.

I do not think that we need to continue with the status quo. The amendment allows the choice to be offered as to how the housing benefit will be paid. The vulnerable will be protected because their housing benefit can continue to be paid directly to the landlord, while those with a sense of control of their finances will pay their rent to the landlord themselves.

I turn to some of the comments made by Members. Speaking on the main motion, Mr Durkan mentioned that no flexibility was given to the Minister on direct payments and giving people a choice. He said that it excludes the private sector. Although he tried to explain that, I do not think he explained it very well.

Mr McCann said that he supported the amendment, but then Mr Maskey told him that he was not supporting the amendment. Maybe Sinn Féin can explain how it changed its view within one second.

Mr F McCann: Will the Member give way?

Mr Easton: Go ahead.

Mr F McCann: I said at the start that I supported the motion. I hoped that there would be agreement and the amendment would be accepted, but that was not the case at that time. At the end, I made the mistake of saying that I supported the amendment. My colleague put me right, saying, "No, it is the motion."

Mr Deputy Speaker: The Member has an extra minute.

Mr Easton: I thank the Member for his explanation, but it might have just been a big mistake.

Mr Copeland said that he supported the amendment, because it included private landlords. He believed that parity needed tested but said that he would never agree to anything that would hurt the most vulnerable in our society. I echo that.

Anna Lo wanted flexibility and supported the amendment. Pam Brown expressed concerns about the delivery of the IT system. She supports direct payments and people having a choice.

Mr Maskey, who does not support the amendment, does not seem to want to give the Minister the chance to have a choice, which is unfortunate. He talked about the IT system. He does not want to support the amendment, which gives the Minister the chance to put in place the changes that are needed in the IT system. If we do not get the IT system right, we will fail the most vulnerable people in society. If we do not get that flexibility in the IT system, Members who are against the amendment are to blame for letting the most vulnerable people of Northern Ireland down. That ends my comments. I support the amendment.

Mr A Maginness: I thank everyone who participated in the debate. Everybody expressed concern about the problems that might beset vulnerable tenants in a situation where, in fact, they did not have the option of direct payment.

I want to make one point about social landlords. The Minister suggested that the motion does not include private landlords. My party's view is that social landlords include private landlords who are in receipt of a publicly paid benefit, to wit, housing benefit. I am not going to fall out with the Minister on that. I will just say that our motion is not defective as a result of that particular phraseology.

The good news is that in the interests of sending a strong and, hopefully, united message to Lord Freud and Westminster, my party will support the amendment as put forward by the DUP. I do not often agree with the Minister for Social Development. However, on this occasion, I am in agreement with him. My colleague has stressed that he wants the option to be there. He believes that it is a necessary safeguard for vulnerable tenants.

The position is quite different in Britain, where 20% of payments are made directly to landlords. That system has been established for a long period. There is an entirely different situation here, where you have got over 80%. In that situation, there is, obviously, an option

there. It is helpful to everybody involved — the Housing Executive, housing associations and private landlords, and to households in managing their budgets.

The Minister stressed the point about IT. We agree with him on that. A manual system would pose considerable problems. We want to avoid that. It should be stressed to Westminster that the position in Northern Ireland is entirely different to that of Britain and that we want to retain that position, which has served us well. All the social partners would be in favour of that position. As was stressed by Anna Lo, housing groups, pressure groups and groups that represent vulnerable people in society are appreciative of the problems that could occur if, in fact, that flexibility was not there.

I thank Paula Bradley, who emphasised those points. I thank Anna Lo again for stressing the point about vulnerability and operational flexibility, which is not a departure from the principle of parity. I also thank Pam Brown, Alex Maskey and Fra McCann. As usual, Mr McCann expressed his concern for those who are in need in our society. For a long time, Mr McCann has pursued these issues with great vigour, and one has to appreciate where he is coming from on this matter. I do not think there is any great difference of opinion throughout the House. It is just a matter of finding the right words to accommodate a solution to the problems that have been presented by Mr Durkan. I thank Mr Durkan for his contribution and for proposing the motion. Finally, I thank Mr Alex Easton for his summary of the amendment.

Question, That the amendment be made, put and agreed to.

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly calls on the Minister for Social Development to secure, with the Department for Work and Pensions, the IT functionality to allow the choice to make direct payment of housing benefit to both social and private landlords following the introduction of universal credit, thereby helping vulnerable people to avoid rent defaults and potential homelessness.

Animal Cruelty

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

Before we begin, I remind the House that I understand that investigations are continuing in relation to an attack last month on an animal in Maghaberry. I ask Members to take care that nothing that they say will prejudice any case that may come before the courts or, indeed, any other case that comes before the courts.

Mr G Robinson: I beg to move

That this Assembly calls on the Minister of Agriculture and Rural Development to extend the sentences available for deliberate and severe animal cruelty to include longer periods of imprisonment to ensure that perpetrators receive a punishment that fits the crime.

I want to say at the outset that we, as tablers of the motion, cannot accept the Sinn Féin amendment, as we feel that it weakens the motion.

It is a recent horrific act of unimaginable cruelty that has brought this topic to the Assembly for debate today. It truly is a shame on some members of our society that this debate has to be brought, but it is my belief that the topic needs aired fully and addressed. I wish to express my sympathies to the Agnew family, who have come through a most traumatic and distressing time, but they have done so with great dignity, earning them much respect throughout Northern Ireland and further afield. I also welcome them to the Public Gallery to hear this debate. None of us can begin to imagine the terror and pain that their pet dog, Cody, experienced during that horrific attack and in the days following it. At this point, I commend the veterinary team who worked so hard to treat Cody and all vets who deal with cruelty cases, as well as the Ulster Society for the Prevention of Cruelty to Animals (USPCA) and the many other bodies and individuals who care for animals.

The perpetrators who commit such acts deserve to face the full rigours of the law for consciously deciding to inflict such heinous crimes on defenceless animals. The current law outlines a maximum custodial sentence of two years for such an act of barbarism and intentional cruelty. In my opinion, that is not enough. In reality, the criminal or criminals will possibly serve much less than a year, if they even get a custodial sentence. That is not prejudging any possible sentence in this case.

4.45 pm

I understand that a lack of conscience, displayed by the torture of innocent animals, is a warning of an individual who may commit other serious crimes, as was evident in the cases of John Wayne Gacy in the USA and Luka Magnotta in Germany. Those are just two examples of how some perpetrators of animal cruelty can get involved in more serious criminal activity.

In her answer to my question for written answer, the Minister stated:

"These new penalties are stiffer than those introduced in England and Wales in the Animal Welfare Act 2006".

With respect, Minister, I am not concerned with jurisdictions for which the House does not legislate. I am interested only in Northern Ireland legislation. Recent acts show that more needs to be done by way of punishment to deal with cases of extreme cruelty, as in Cody's and other pet cruelty cases.

I supported the Welfare of Animals Act (Northern Ireland) 2011, but as with any legislation, there are times when a gap is exposed by events after implementation. The 2011 Act has great intentions, but where such deliberate and heinous cruelty is displayed, it is essential that the punishment fits the crime. I do not doubt the Minister's sincerity in her belief that the Act makes sufficient provision, but I believe that reform is required. We must look at increasing the maximum penalty available to the courts, and such penalties must be used. It is also essential that enforcement is made a priority. We can have every good intention but fail, in reality, due to lack of enforcement.
[Interruption.]

Mr Deputy Speaker: I remind Members that only the Member speaking should be on the Floor and that other conversations should not be heard.

Mr G Robinson: Thank you, Mr Deputy Speaker.

Failure is not acceptable. Perhaps, then, minimum as well as maximum tariffs could be considered to give the judiciary more options in animal cruelty cases.

The Minister also stated in her written answer to me that the new legislation will provide a strong deterrent. Cody's case and that of the youths who tried to burn a kitten alive in Londonderry, to name but two, prove that there is little deterrent in the current legislation and that it needs to be reviewed or consulted on. I will, at this point, remind people who were rightly enraged by that callous act that the police are dealing with the case in the correct and proper way in order to investigate the crime.

I acknowledge that such inhumane behaviour towards animals is apparently rare, but rarity should not be an excuse for a lack of tougher punishment for perpetrators. Rarity means such crimes are even more disgusting and unacceptable, and they must, therefore, attract a premium when sentencing. That is what the motion seeks from the Minister: recognition of the severity of such acts and provision of suitable punishment.

I want to emphasise that this debate is not about scoring political points. It is centred on ensuring that people who are found guilty of deliberate and severe animal cruelty have to pay a price for their vicious and cruel actions. It is, I believe, essential that we change the existing legislation to ensure that the punishment fits the seriousness of the crime. We should not be ashamed to say that we need to change legislation when a gap is exposed in that legislation. I commend the motion to the House and ask for unanimous support.

Mr McMullan: I beg to move the following amendment:

Leave out "extend the" and insert

"support the full use of the extended".

Go raibh maith agat, a LeasCheann Comhairle . The cowardly and despicable attack on 26 August that left a harmless and defenceless dog with over 20% burns to its body shocked everybody, and quite rightly so. It is hard to comprehend that any human could do that to a defenceless animal. After two weeks, and in consultation with the family, the dog was put to sleep to prevent it suffering further.

That was, unfortunately, not an isolated case. Recently, two young boys tried to burn a kitten, and a golden eagle was poisoned. How many times have we seen swans with crossbow bolts sticking in their bodies? People, for their own benefit and gratification, use sticks covered in glue to take young finches and siskins out of hedges and then use the birds for breeding purposes. They do so just so they can say they have a different coloured bird. That is all wrong.

Animal cruelty does not happen only in rural areas. Recently, believe it or not, the police and the USPCA rescued a pig and a goat from a third-floor flat in Belfast. It is believed that the animals were to be taken for slaughter for food. I give those examples to emphasise the seriousness of the issue. People may scratch their head at that example, but animal cruelty is a serious matter, and we have to go right across the board.

Members could talk about incidents of cruelty at great length. However, what can we do? In the legal profession, it is well known that young people who engage in animal cruelty will, nine times out of 10, graduate to more serious crime. Some of the most notorious crimes in legal history are evidence of that.

On 22 February 2011, the Assembly gave final approval to the then Minister of Agriculture, Michelle Gildernew MP, to important new legislation on animal welfare. The Welfare of Animals Act 2011 replaced the Welfare of Animals Act 1972, which, as Members are aware, was 40 years old. The Assembly gave its full permission, including to the Minister of Justice. Every aspect of the Bill was looked at — sentencing and the whole gamut — and when all that was done, the Assembly was in full agreement with the legislation.

A key benefit of the Act is that it will require a duty of care for non-farmed animals, and it provides powers to allow action to be taken to prevent such animals from suffering, whereas under the old legislation, people had to wait until the animals suffered before they could be taken away. Any person who has responsibility for an animal in its day-to-day care, whether temporary or permanent, will be legally responsible for the animal's welfare. That is to be welcomed.

In the 1972 Act, the penalties were three months in jail and/or a £5,000 fine on summary conviction. In the 2011 Act, that will increase to a maximum of six months in jail and/or a £5,000 fine on summary conviction, and up to a maximum of two years in jail and/or an

unlimited fine on conviction by indictment. The new penalties are much more severe than those in the Animal Welfare Act 2006 in England and Wales, which are a maximum of 51 weeks in jail and/or a £20,000 fine. Our penalties are still higher than in Scotland.

From 2 April 2012, the Department of Agriculture and Rural Development (DARD) has had new powers to seize farmed animals that are suffering or are likely to suffer, and if their circumstances are unlikely to change. Only the PSNI had powers of seizure in relation to animal welfare incidents. Week in, week out, there are more cases of people being held responsible for cruelty to farmed animals. In a recent incident, an animal was brought to an abattoir, where vets decided that it had to be put down in a vehicle's trailer. The farmer was fined for the state of that animal. If people bring an animal to an abattoir in such a state and are handed out a stiff penalty of a fine of thousands of pounds, they would be reluctant to do it a second time.

From 2 April 2012, councils have had responsibility for enforcement in respect of non-farmed animals, including horses. Under the Welfare of Animals Act 2011, DARD will provide annual funding to help councils in that new role. This year, £780,000 is available, and that will increase by £20,000 in each of the remaining two years in this Budget period.

We are only weeks into the new legislation. We must give it time to work. We cannot legislate for people's twisted minds. If people want to go out and inflict severe cruelty on animals, as much as we would like to, we cannot change the law every time that such severe cases come before us. We have heard about such cruelty in some of the cases that we discussed here and that brought the debate to the Chamber today. We have to give the legislation time to bed in. In reality, it is now down to the courts. The Assembly agreed the Welfare of Animals Act. So, it is now down to the courts, the judges and those in that system to fully implement it. As we heard people talking about in the past, the point is not to have these people in court to give them a slap on the wrist. One of the problems is that a lot of the people who are engaged in cruelty are under the legal age, so they come under the Children Act. Therefore, the courts will take a different view of that. So, we have to be careful. I appreciate the emotional feeling of the whole thing, but we have to give the new laws time to bed in.

The PSNI now has powers of responsibility for wild animals and animal fighting. The Welfare of Animals Act also provides the Department

with the powers to make future regulations to improve animal welfare or to ban the keeping of certain animals, should that be necessary.

I support the amendment. I counted up roughly, so I could be held to a number here, but nearly £10,000 of fines were handed out in four cases of cruelty. When it comes to pets, I totally agree: the law has to be firm and severe, but the issue is now down to those who bring the cases to the court. It is down to the courts, judges, solicitors, councils and all those people out there. The sympathy aspect cannot work. If you have any type of animal that has 20% burns to its body, a horse that is found in a field and is hardly fit to stand, or a swan with a crossbow bolt through its neck, tell me who should get the sympathy. It is not the people who inflicted that pain or injury; it is the animal. I often wonder —

Mr Deputy Speaker: Will the Member draw his remarks to a close, please?

Mr McMullan: — whether if those animals would just bite back, there would be less cruelty.

I support the amendment.

Mrs Dobson: I apologise for being a few minutes late at the start. I welcome the opportunity to speak on this important matter today. My party will support the motion as amended. The wording is not what we would have chosen, but I will talk a little more about that later.

The tragic story of Cody the Border collie dog, her battle for survival, with tentative signs of improvement and occasional good days, and her eventual inability to recover from her wounds grabbed the public's attention in Northern Ireland and across the United Kingdom. That was followed by a palpable sense of anger among animal lovers when she eventually passed away, succumbing to her injuries. However, the death of the three-year-old collie, which was an animal that the Agnews affectionately called a member of the family, was not totally in vain. It brought animal welfare right to the top of the public consciousness and it was a story that led on the front of our newspapers for several days. Graphic photographs showing her injuries were circulated through the media, adding to the public shock and revulsion. Given that people are on bail in connection with that case, it would be inappropriate for the Assembly to make any judgement on their culpability. However, it was extremely important that the police acted

swiftly, as there was such a tide of public disgust at how anyone could douse a dog in flammable liquid and set it alight. If nothing else came out of that tragic incident, hopefully it was that the public anger was so strong that it may make others think twice about carrying out similar acts.

5.00 pm

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

Although what happened to Cody was a heinous crime, unfortunately, such acts are nothing new in Northern Ireland. Over recent months, there have been dozens of other reports of animal abuse and neglect. Stories such as swans being stoned by youths, birds being shot by pellet guns and left to endure long deaths or pets not being provided with their basic requirements of food and water appear regularly in our local and regional newspapers. The animals concerned are often defenceless, and it is the human reaction to their suffering that can make the real difference to public attitudes towards animal cruelty. Of course, although most incidents of cruelty are one-offs, there is no denying that, in some instances, the cruelty shown to many wild and domesticated animals is on a systematic and organised scale.

When we read the stories of animal cruelty that appear in the media, I am sure that everyone in the House cannot fail to be moved and have a real sense of exasperation about the mindsets of those who can inflict such levels of suffering on totally innocent animals.

For many families, animals form a major part of family life. The famous naturalist Gerald Durrell entitled his autobiography 'My Family and Other Animals', and I noticed with interest this week that Clare Balding has entitled her autobiography 'My Animals and Other Family'. We need more advocates for animal welfare. Voluntary organisations do a fantastic job every day looking after the needs of domesticated and wild animals. As a society, we owe it to our animals to reciprocate the unconditional love they so often show to us.

It was also with interest that I read that the British Veterinary Association believes that there is a complex interrelationship between people who abuse animals and their own personal experience. Indeed, the American Humane Association has very aptly stated:

"When animals are abused, people are at risk; when people are abused, animals are at risk."

As has been said, the Welfare of Animals Act (Northern Ireland) 2011 quite rightly makes it an offence to cause unnecessary suffering to an animal, and it imposes a duty of care on anyone responsible for an animal to take reasonable steps to ensure that the animal's welfare is protected. Yet clearly, for some, that is still not a big enough deterrent. However, it is not the place of the Assembly to cast judgement on judicial rulings, and if the penalties are not severe enough, tabling a private Member's motion will do little about the situation. Instead, I pose two questions to the Members who proposed the motion. First, have they met the Justice Minister, and, secondly, have they reviewed the penalties for similar crimes across Great Britain?

Mr Byrne: I also support the amendment. The issue has gained a lot of public attention in recent times, particularly in relation to some pet animals. Very often when those stories hit the headlines there is, obviously, a strong reaction. That was particularly the case for the collie dog Cody. Collie dogs are highly respected by farming people and by others who may have them as pets.

The legislation on animal welfare was changed in recent times for the first time in 40 years, the previous Act having been enacted in 1972. I agree with Oliver McMullan that to amend legislation so quickly is not wise. I think that we should give the existing Act time to permeate and work effectively.

We need to see meaningful sentencing, and there is an issue about who should deliberate on that.

There are other animal cruelty and welfare issues out there. I am aware of a farming situation in which 20 animals were inspected recently. The man who owned them was living on his own and was unable to look after the animals because of his health and financial situation. Those 20 animals were in severe need of attention and feed. There are also many cases of people who have horses, ponies and donkeys and are in some cases no longer able to feed them. There is a question about how these animals should be monitored.

The Minister referred earlier to money allocated from the Department — around £750,000 — to district councils in relation to animal welfare officers. I fully support that. If more money is required, it may have to be legislated for and agreed in the Assembly. The SDLP is strongly

in favour of bringing attention to this issue. We support the amendment because we think it is more effective in the short term.

Mr McCarthy: On behalf of the Alliance Party, I support this very timely motion on animal welfare, as well as the amendment. I agree that the punishment must fit the crime, and that sentences for the culprits must be extended.

Animal cruelty is heinous and totally uncalled for. The recent, highly publicised slaughter of an innocent dog, as has been mentioned by other Members, was certainly the last straw. Our thoughts today have to be with the family of that pet. They must still be in shock and suffering enormously because of that dastardly act. We are aware that DARD acted last year through the Welfare of Animals Act (Northern Ireland) 2011. That Act raised the bar in relation to the welfare of all animals. That is to be welcomed, but, in my opinion, legislation is not enough. I suppose that, like nearly everything else in life, the issue comes back to the need to educate our young people at the very earliest stage. Even in the home before they go to nursery school, they should be taught to treat all our animals as they would treat human beings: with dignity and respect. Maybe then this dreadful problem could be avoided.

I commend in the highest terms all our local organisations, such as the USPCA and others in Northern Ireland, as well as all their staff, for their determined efforts, despite the inherent dangers in the work they do, to put an end to animal cruelty. Everyone in this House should take their hats off to those organisations for the work that they perform. The cruelty that some animals have to endure is unbelievable, simply, and this makes it worse, for the enjoyment of bloodthirsty individuals. I am thinking of dogfighting, cockfighting, badger-baiting and other horrendous acts of cruelty.

I am aware that, under last year's Act, local councils are now responsible for animal welfare. The Minister replied to some questions about that earlier today. I declare an interest because I am still a member of Ards Borough Council, and I am delighted to say that that council is leading the way in these things, but during the consultations, I know that councillors and officers were very concerned about the extra work being forced on them. They were not concerned about the work but about the insufficient resources from the Assembly with which to adequately perform that work. The Minister said in her response that she would perhaps look sympathetically on applications to her Department from councils for further

funding. I have no doubt, Minister, that you will have those requests.

Animal cruelty is wrong and, regardless of where it takes place, the culprits must expect to receive a serious sentence if for no other reason than to be a deterrent to others. People who deal in animals must also know the consequences.

On reading the motion, I recalled the day, not that long ago, that the horses and hounds arrived in my quiet village of Kircubbin. Members may put their minds back a few years; it was the headline for the time. The horses and hounds arrived in a quiet village and, during that episode, the hounds got into a private walled garden and cornered the family cat. The end result was horrendous: the cat was torn to pieces before the eyes of its owner, who, you can imagine, was shattered. That may not have been someone's intention to do that, but somebody was certainly responsible for those animals doing that on the cat.

We also have a serious problem of animals such as cats, rabbits, badgers and foxes being killed on our roads. I do not know what can be done to prevent that slaughter, but, again, it is a form of — hopefully, unintentional — cruelty by unwary drivers.

In conclusion, there must be zero tolerance of all forms of animal cruelty. That includes abandonment of young animals such as cats, pups, etc —

Mr Principal Deputy Speaker: Bring your remarks to a close.

Mr McCarthy: — on rural roads. As the motion states, sentences must be extended and increased. I support the motion, and I hope that the Minister will take notice of what has been said in the Assembly today.

Mr Buchanan: I support the motion, but we will not be supporting the amendment, for the simple reason that the amendment asks us to make full use of what is already in place. We believe that that is not sufficient or strong enough in the circumstances that we are in. That is why we brought the motion to the House today.

As has been mentioned, the Welfare of Animals Act (Northern Ireland) 2011 was introduced to the House in June 2010 and received Royal Assent in March 2011. No doubt it was an improvement and a step forward in the welfare of animals compared to the previous Welfare of

Animals Act (Northern Ireland) 1972, which was well outdated and provided little or no protection.

The newer Act seeks to increase the penalties to a maximum of six months' imprisonment or a fine of £5,000 on a summary conviction, and to a maximum of two years' imprisonment or an unlimited fine on conviction by indictment. However, in light of what generated the motion, the question that all of us in the House must ask ourselves is: "Does this actually go far enough in seeking to be a deterrent to those who, for whatever reason, chose to cause some of the most horrific injuries and suffering, especially to our non-farm domestic animals?" That is not to forget some of the other animals, such as rabbits, hares, badgers and our bird population. The sheer scale and litany of abuse and injuries that we have witnessed being inflicted over the past year alone on these defenceless animals are absolutely appalling. They are an indictment of the society that we live in.

In the north-west alone, in the past year to 18 months, some 19-plus incidents of animal cruelty were reported to the PSNI. Those ranged from the poisoning of a golden eagle and ravens in my West Tyrone constituency to hare coursing and greyhounds chasing rabbits for sport and then tearing them apart. Youths also threw stones at injured swans. Kittens were scorched and caught in traps. A German shepherd dog was also found battered and burned in an industrial estate. However, the most horrific of all in recent days was the attack on the pet collie Cody in Maghaberry. That vicious attack left many of us shocked beyond belief and led to some 60,000 people taking to Facebook and Twitter to voice their utter contempt.

We in the House would do well to take stock of any gaps in the current legislation and seek to make urgent improvements in an effort to provide a deterrent to this litany of animal abuse. According to one reporter, Cody's injuries were so severe that her ribs and joints were visible through her burnt flesh. That report posed the question of how we, as a society, treat animal cruelty. That is a question that we should all be asking ourselves in the House today. How do we — as a society and as a legislative body — treat animal cruelty today? I know that the Minister has sought to defend the current legislation. However, is giving someone a six-month sentence or two years in jail, when they will probably be released in 12 months, adequate punishment for causing such appalling injuries, pain and

death to animals? That is not justice; that is not adequate punishment.

5.15 pm

As an animal lover myself, I know the affection that a pet dog can lavish on its owner. In fact, it becomes part of the family unit, and it is alarming to think that some of the most hideous acts of cruelty are being carried out on those creatures by some as young as nine or 10 years of age.

Mr Poots: Does the Member agree with me that the indescribable cruelty that was inflicted on Cody the dog is something for which six months in jail would fall well short of what the public would expect, and that, consequently, the House has to respond? It is not just the cruelty to the animals — it is the impact on the children who were in that household, and, indeed, the wider family, who have lost a dog that was part of their family and that they loved very much. Therefore, although the sentences may have been well enough conceived, in their implementation they will fall well short of public expectation.

Mr Principal Deputy Speaker: The Member has an extra minute.

Mr Buchanan: The Member makes a good point. Our legislation falls well short of what the public expects for such a crime. That is why we urge the Minister to take that on board, have another look at the legislation and bring forward a stiffer sentence for people who carry out such acts of cruelty as we have seen. A slap on the wrist is simply not adequate; we must have a much stronger deterrent. We must have punishment that fits the crime if we want to see that behaviour brought to an end. That is why we support the motion.

Mr Principal Deputy Speaker: As this is the first debate in which the Assembly will hear from Mr Declan McAleer, I remind the House that it is the convention that a maiden speech be heard without interruption.

Mr McAleer: Go raibh maith agat, a LeasCheann Comhairle. As you quite rightly said, this is the first opportunity that I have had to participate in a debate, and I thank you for giving me time to say a cúpla focal — a few words. Members will be aware that I was co-opted to my position in the Assembly in place of Pat Doherty. I want to pay tribute to Pat. Pat served as MLA for West Tyrone from 1998 and gave 14 years' sterling service to our constituency. He continues in his role as MP

for West Tyrone. He is arguing the case for West Tyrone and trying to improve the quality of life of its people. He is playing his role across the water, and, indeed, in Leinster House, as well as in other bodies, arguing the case for our constituency. I pay tribute to Pat, and I know that I have big shoes to fill in the Chamber.

I also thank my Sinn Féin colleagues, both here in the Assembly team and my colleagues in West Tyrone, for selecting me to this position. I also want to give a special thank you to Assembly staff and officials; I have found them to be very helpful in enabling me to settle down and find my way around.

My constituency of West Tyrone is very rural. The two main towns are Strabane and Omagh, and the remainder of it is exceptionally rural. I am from the village of Loughmacrory, and anybody who is from a rural area will know that they are very proud of where they are from. For many others, it might be a dot on the map, but for people like me and anybody who is from a small area, it is the centre of the universe. I will be a councillor for another few weeks, and I also have a representative role for villages such as Killyclogher and Mountfield, with which I have a strong affinity. Given the rural constituency, I felt that it was appropriate to sit on the Committee for Agriculture and Rural Development and the Committee for Regional Development. As I said earlier, I am still a councillor, and have been since 2007. I succeeded my late father, Barney, who was a councillor from 1989 on Omagh District Council. I hope that the experience that I have gained on Omagh District Council, and while working as a political adviser for Pat Doherty MP, will help me in my new role as an MLA.

Turning to the subject matter of the debate, I will speak against the motion and in support of the amendment. Like all right-thinking people, I am shocked and repulsed by the stories of sadistic behaviour and cruelty to vulnerable animals that we hear about on the news. Recently, we heard the high-profile story of Cody the dog — it has been mentioned widely in the debate today — who had to be put down after being doused in flammable liquid and set on fire.

Many other incidents of abuse have been reported in different council areas. For example, two labrador pups were tied to a post and abandoned in freezing conditions in Derry. We have heard about badger-baiting throughout the country, dead horses being found in fields in County Antrim and the use of glue-covered sticks to catch wild birds in Limavady. Indeed, there was an incident in

which a golden eagle and a raven were poisoned in Castledearg in my constituency of West Tyrone. Just this morning, I read a story on the front page of the Tyrone Herald about a gang of youths in Cookstown who tortured and killed a cat.

In response to those incidents and others, the Assembly introduced new legislation last year, which came into effect in April 2012. The objective of the Welfare of Animals Act 2011 was to introduce more protection for non-farmed animals, particularly domestic pets, by aiming to stamp out unnecessary suffering of those animals. The Act puts an onus on anyone who keeps a vertebrate animal to ensure that it is kept to an acceptable welfare standard. It has given the PSNI more powers to deal with animal fighting and has introduced new powers to take action to prevent animal suffering as opposed to having to wait until the suffering has occurred. The 2011 Act also increased penalties for animal welfare offences and extended powers of seizure. The Minister of Agriculture and Rural Development, Michelle O'Neill, and her predecessor, Michelle Gildernew, have made funding available to councils to implement the provisions of the Act.

As Oliver McMullan pointed out, the Welfare of Animals Act 1972 allowed for a maximum of three months imprisonment and/or a £5,000 fine.

Mr Principal Deputy Speaker: The Member must bring his remarks to a close.

Mr McAleer: The new measures that came into effect in April 2012 provide an even stronger deterrent. The penalties are among the toughest in these islands. A LeasCathaoirleach, it is clear that the Assembly and the Minister of Agriculture and Rural Development take the welfare of animals very seriously. The new law, which enshrines the enhanced powers —

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

Mr McAleer: I call on Members to reject the motion as it stands on the Order Paper and to support the amendment.

Mr Givan: I commend my colleagues for bringing forward the motion. The incident that brought this issue to public attention was clearly the attack on Cody the collie. That attack took place in the village of Maghaberry, where I live, so I am familiar with the impact that it had on the community. I met the Agnew family earlier,

and we are aware, from the Justice for Cody page, of the impact that that attack has had on what is a terrible family loss.

Northern Ireland people are renowned for being animal lovers and for having pets. I have had pets before in my home and I know that when you lose one of those animals it is as though you have lost a family member to whom your children become very attached. We can only offer our sympathies to the family and try to understand the loss, particularly for the children, and the impact that such an attack can have.

It was a particularly barbaric attack to douse a dog in lighter fluid and set it on fire. That is the mark of individuals who clearly have no regard whatsoever for the welfare of animals. It is paramount that those individuals, who are on bail, should have charges brought against them and that they should be brought before the courts.

Our issue is that, when they are brought before the courts, which is what we hope for, there will not be sufficient legislation or a sentencing framework in place to give them the type of sentence that, I think, the vast majority of the public believe they should be given for carrying out such an attack. We do not believe that a six-month summary maximum sentence in a Magistrates' Court is sufficient, nor do we believe that a two-year maximum sentence, which is available to the judiciary, is sufficient. That is why we are disappointed that the amendment was tabled. I say to the parties that are going to support the amendment that the Assembly should look again at the sentencing that is available. We will be quite happy to work with those parties to find a consensus on the maximum sentences that should be available.

Mr McMullan: Will the Member give way?

Mr Givan: In a moment, when I have developed this argument a little bit.

Just this morning, I spoke to the district commander in Lisburn, who updated me on this investigation. I know that people will be interested to hear that they are waiting on the results of forensic testing on items that were seized. Let us hope that that police investigation will ultimately provide the evidence for this case to be able to be put before the courts. I commend the family for their dignified campaign and the Justice for Cody web page. The public can only have been touched by the way in which the family have conducted

themselves, which is in stark contrast to the individuals who carried out their barbaric attack.

It is important for Members to note that, for people who carry out attacks on animals such as what happened to Cody, it is only a very simple step to attack a human being. The mindset of people who can attack a defenceless animal in the way that this dog was attacked is very disturbing for society. The necessary deterrents should be in place to prevent individuals who carry out these attacks from doing it again.

Even if Members do not support the motion but seek to amend it, I will still not think that this has been a lost opportunity because of the public awareness that has been raised. Prosecutions for animal welfare incidents are on the increase. The magnitude of our concern about these types of attacks will be registered with the judiciary and the Public Prosecution Service. They will take note of this debate. I hope that more people will be prosecuted and taken to the High Court as opposed to the Magistrates' Court, and that if found guilty in the High Court, the judges exercise the maximum punishment that the law allows to dispose of that.

I caution Members against taking a defeatist approach. I noted Oliver McMullan's comments that you cannot change the law every time there is a severe case. Yes, you can. In fact, that is exactly what this Assembly is about: responding to community needs.

Mr McMullan: Will the Member give way?

Mr Givan: Yes.

Mr McMullan: I thank the Member for giving way. Given his role there, has the Member raised this issue at the Justice Committee?

Mr Givan: The Member should not try to deflect from this. He is aware that this legislation is the responsibility of DARD. The Chairperson of the Committee for Agriculture and Rural Development will be able to speak on it later. Of course, I have already raised this issue with the police in respect of their investigation, so do not be smart. Let us have a proper discussion around all of this rather than trying to deflect from the issue.

Mr McMullan: On a point of order, Mr Principal Deputy Speaker. In asking a question or raising anything in the Assembly, the Member is out of order in saying: "Do not be smart." That

is not the cut and thrust of any debate. It is just a mindset, and I see it as out of order.

Mr Principal Deputy Speaker: Order. I ask all Members, from all parties and on all sides, to be careful in the language that they use. However, it is the cut and thrust of debate, and that is not really a point of order.

Mr Givan: No, I did not think so, Mr Principal Deputy Speaker. It was just an attempt to mask the embarrassment of not supporting the motion and seeking to amend it.

Jo-Anne Dobson asked whether we have looked at GB and spoken to David Ford about it. I say to Members: do not be followers; be leaders. We do not need to follow what other jurisdictions do in this regard. We have already led on this issue, and we can be proud of the legislation that we introduced. However, we are making it clear from this side that we can go further. Let us be leaders in this field and demonstrate that we see the welfare of animals as a key priority for the Assembly rather than follow the minimalist approach that other jurisdictions have taken to the issue. I hope that Members will reflect on that, reject the amendment and support the motion.

Mr Newton: I support the motion. In doing so, I commend the work of the PSNI and the USPCA in tackling animal cruelty. Many cases have been and highlighted, not least that which my colleague has just referred to. There have been issues of badger-baiting and dogfighting, and the trading of endangered species for huge amounts of money. Minister, I would also like to raise a matter on which the legislation is weak and, in fact, does not cover. It is in the area of what is described as entertainment. I am referring to travelling circuses or menageries, where wild animal training continues. Those belong in the days of bear-baiting and dogfighting, which were also once described as entertainment. Proud and beautiful wild animals are kept in small cages and are trained to entertain the public. I pay tribute to Belfast City Council, which recognised animal circuses as being a cruel form of entertainment. Belfast City Council has banned animal circuses or circuses that have wild animals from its property. My colleague Paul Givan indicated that he wanted to go further, and we do need to go further, Minister, than the provisions of the existing legislation.

5.30 pm

A circus is a commercial business that trains wild animals to carry out tricks. Those tricks

are not natural to the animals, but they require many hours of degrading and routine practice, which is usually carried out under the control of a whip-carrying animal trainer. Over recent years, there have been many revelations about circuses and the ill treatment that is required to force those animals to perform for the paying public. Those proud, mighty and magnificent animals do not easily take to riding on each other's backs, to jumping through hoops or to carrying out tricks that are unnatural to them but which the paying public find entertaining.

I particularly refer to those animals that are part of the touring menageries and circuses, which spend a considerable length of time on the road, moving from location to location. The animals are caged in what are referred to as "beast wagons", which seems an appropriate title. The animals are confined for hours with little exercise. It is impossible for a travelling menagerie to give those huge animals the exercise, relaxation and amenities that they require.

I pay tribute to 'The Sunday Times' for an investigation that it carried out with the USPCA a number of months ago into the trading of endangered animals. Species are being traded, not just in the UK but in Northern Ireland, for huge amounts of money. That is inexplicable to me: I cannot understand how anyone who is supposed to be an animal lover would want to buy endangered species and keep them in an unnatural habitat. The level of animal cruelty in that sense is beyond comprehension.

In the latest revelations about illegal animal trading —

Mr Principal Deputy Speaker: Bring your remarks to a close.

Mr Wells: Will the Member give way?

Mr Newton: I will.

Mr Wells: The Member is making a very important point, and I wish to hear its conclusion.

Mr Principal Deputy Speaker: The Member has an extra minute.

Mr Newton: The latest revelations about wild animal trading or endangered species trading show the heartless cruelty effected by the human beings who are supposed to be animal lovers but move the species from place to place and in a manner that is totally unnatural and

cruel. The scale of that and the huge amounts of money that the animals are being traded for are shocking. The penalties, Minister, do not deter those who are prepared to engage in this activity.

They see it only, and it can only be seen, as cruelty to those animals. I support the motion.

Mr Frew: I speak as an MLA for North Antrim, not as the Chairperson of the Committee for Agriculture and Rural Development. I could have asked the researcher to go back to last term and go through the ins and outs of the Welfare of Animals Bill. I could have spoken for five, 10 or 20 minutes on the ins and outs of that. I say that because we need to move forward, and the Assembly and the Executive need to show an agility to react to things and to pass laws and consider practices when they are needed. I genuinely believe that this is a case where that must come into play. I congratulate all of the MLAs who were involved in the previous Committee for Agriculture and Rural Development and the previous Minister of Agriculture and Rural Development on the passing of the Welfare of Animals Act. It was a massive piece of legislation, which accounts for so much. We in the Committee for Agriculture and Rural Development are currently going through and scrutinising aspects of that as they come in secondary legislation.

It is very important that we get all aspects of animal welfare right, and it is equally important that, when something is ingrained in law, we have the ability to change it no matter what timescale is involved. I plead with the Minister that, although the motion might not be successful, she and the Department look at it to see what can be done in the future to extend the sentences here for some heinous crimes against animals.

The terrible case of Cody the dog brought this issue to everyone's sitting rooms, and you could not fail to feel emotional about what that poor dog went through and about what the family went through. We can only imagine the torment for the family, including the children, and the wider family circle and the friends in the community who had to deal with this. It is a horrific case, and it was a heinous crime. We cannot come down hard enough on people who perpetrate such crimes.

In the past number of years in my constituency of North Antrim, I have had to deal with cases. An example is of the great wildfowl pond in Broughshane, which attracts 400 visitors a week. It is a great facility and is used by the people of Broughshane and wider afield.

People come from all over Northern Ireland to visit the pond. It has many species of swan and geese and ducks. A number of years ago, we suspected that someone was bringing a dog in at night to blood that dog to fight. It was destroying the birds, ducks, geese and swans that were in the pond for everyone's satisfaction and enjoyment. Someone saw fit to go in and destroy them to help to blood a fighting dog. That is indefensible. We had surveillance cameras up, but they were to no avail and we could not catch the culprit. It was very clear from the way that animals were being left on the side of the pond that it was not a fox that was doing the damage. It is very important that we come down hard on people who do this sort of crime.

It is not only about the real heinous crimes but how people treat pets. Do they feed them correctly? Do they give them shelter? Are they getting fresh water? Are they free from pain, injury and disease? Are they free from fear and distress? Sometimes, that is as much a cause of concern as the spectacular cases that we see on our TV screens. We need to do something more by way of education. Whether this motion falls or succeeds, I ask the Minister to consider this issue again, show agility in her legislation to deal with cases and to go with the public on this.

Mr Principal Deputy Speaker: Bring your remarks to a close.

Mr Frew: I think that the public are right.

Mr Agnew: I thank the proposers for bringing the motion and for putting animal welfare and animal cruelty on the agenda; it is often absent or at least not given sufficient time and focus. The horrendous act that was perpetrated on Cody the dog has brought animal welfare and animal cruelty up the public agenda and has led to this debate in the House.

I grew up in an estate where, unfortunately, these types of act were not uncommon. When I was a kid, I knew of people who swung cats around by the tail and cut their tails off. I heard stories of cats being thrown on bonfires, and, for whatever reason, where I grew up, it seemed fair game to attack a cat whereas dogs were different. I never understood that mentality and that differentiation, and I have never understood any justification for animal cruelty.

My own cat has three legs after being mauled by a dog in the presence of and with the encouragement of its owner. He was my

mum's cat and was set upon by that dog, and only because of the intervention of a neighbour, my cat, Ozzy, was not killed. He was raced to the vet and lost a leg, but his life was saved and now, thankfully, he is thriving. I had to bring him to my home in Bangor because the dog that perpetrated the act, with the encouragement of the owner, still lived up the road from my mum. Whilst the incident that was perpetrated on Cody has brought this to our attention, it is but the tip of the iceberg. Many acts of animal cruelty are going undetected and without any legal enforcement.

When we talk about animal cruelty, we need to be clear that cruelty against any animal is wrong. That is important. It is the same when we talk about wild animals, as Robin Newton mentioned, circus animals, farm animals, animals in labs that are being tested on without, in some cases, any form of pain relief and, as we discussed a lot today, pets.

To me, the Assembly has, to some extent, failed in the past on the issue of animal cruelty. I refer particularly to the Green Party's private Member's Bill on fox hunting that this Assembly voted down thereby deciding that the fox was not allowed this Assembly's protection from cruelty. A fox suffers no less than my cat suffered when set upon by a dog. Mr McCarthy mentioned the cat that got caught up in the hunt, and I have heard about other cases where dogs and family pets have been caught up in hunts. They deserve no less protection from this Assembly than pets do.

I mentioned the issue of circus animals, as did Robin Newton, and I have tabled a motion on that issue. I urge all Members here today who are genuinely committed to ending all forms of animal cruelty to put their name to that motion and bring it to this House so that we can put an end to the horrendous acts that are committed on circus animals, including their treatment in being trained, how they are transported and how they are kept.

The commitment to animals and to ending animal cruelty must be genuine and not fleeting simply because it is high on the public agenda because of the media attention for the issue at this time. Whether we go for stronger sentences or not, the legislation will be meaningless if we do not have proper enforcement, and I raised that issue with the Minister today during oral questions. It is no good having long sentences if people are not charged, convicted and sentenced. So, we need to put a focus on enforcement, and that means giving priority to it and putting money into it. The enforcers have a hard job detecting

those crimes, and they need the public to help by reporting them. Equally, when the public report such crimes, we need an adequate response. Earlier, at Oral Questions, I cited instances of when I had called the police and was told to go to the USPCA, which then told me to go back to the police.

5.45 pm

Mr Principal Deputy Speaker: Bring your remarks to a close.

Mr Agnew: We need to clear that up, make it clear and enforce the legislation. Without enforcement, the legislation is meaningless.

Mrs O'Neill (The Minister of Agriculture and Rural Development): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank George Robinson, Thomas Buchanan, Paula Bradley and Jim Wells for tabling the motion. As has been said, the motion rightly highlights the issue of animal cruelty. It also highlights the issues that have been discussed around the substantial penalties that are available under the Welfare of Animals Act 2011 for those who commit serious animal welfare offences and the need to ensure that the punishment absolutely fits the crime.

I also thank Oliver McMullan, Chris Hazzard and Declan McAleer for tabling the amendment, which calls for me to support the full use of the extended sentences available under the Welfare of Animals Act for serious animal welfare offences, including deliberate and severe animal cruelty:

"to include longer periods of imprisonment to ensure that perpetrators receive a punishment that fits the crime."

Before getting into the detail of my response to the motion, I extend my sympathy to the Agnew family of Maghaberry on the loss of their much-loved dog, Cody. I am a dog owner myself, and I understand the connection that you feel with a dog. I am sure that the sense of loss that the family feels is tremendous. I believe, as do all Members who have spoken today, that such abhorrent acts cannot and should not be tolerated in today's society.

The Welfare of Animals Act 2011, which my Department has implemented, is a major step forward in protecting the welfare of farmed animals and other animals. It affords a high degree of protection to animals and greatly strengthens the powers to deal with animal welfare issues. The Act has introduced a duty

of care to all protected animals, allows action to be taken to prevent animals from experiencing unnecessary suffering, strengthens powers in respect of animal fighting, provides powers to regulate a wide range of activities involving animals and increases the penalties for all animal welfare offences.

Prior to that Act, the penalties for animal welfare offences had not been reviewed since 1972. In the 1972 Act, the maximum penalties were three months' imprisonment and/or a £5,000 fine on summary conviction. When the Welfare of Animals Bill was considered by the Assembly, everyone agreed that the penalties for welfare offences needed to be increased substantially. The 2011 Act replaced the 1972 Act, and at the same time it significantly increased the maximum penalties for animal welfare offences to a maximum of six months' imprisonment and/or a maximum fine of £5,000 on summary conviction — that is when a case goes to the Magistrates' Court — and a maximum of two years' imprisonment and/or unlimited fine on conviction by indictment, and that is in the High Court with a jury.

Providing the option for serious cases to be dealt with either summarily or by indictment, with an unlimited fine on indictment, is important as it allows the most serious cases to be heard in the High Court and, potentially, for a longer prison sentence. It also reflects how seriously my Department views animal welfare offences. In addition, the court can deprive a person convicted of a serious animal welfare offence of ownership of the animal to which the offence relates, should they be the owner. The court can also disqualify a person convicted of a serious animal welfare offence from owning, keeping, participating in keeping or controlling or influencing that animal in any way for such a period as it sees fit. That disqualification can be for life, and for one or more species of animal.

The proposed penalties were put to the Minister of Justice, the Executive and the Agriculture and Rural Development Committee before they came to the Assembly. The Minister of Justice advised that he was content with the proposed offences and the penalties in the Bill. He commented that they were proportionate and sat comfortably within the criminal law framework. The proposed offences and penalties were included in the draft Bill and passed into law by the Assembly through the introduction of the Welfare of Animals Act 2011. I strongly emphasise that, at that time, no party or MLA raised any concern about the proposed penalties in the Bill. The Assembly fully

supported the Act and the substantial penalties that are included in it.

I am pleased that the new penalties for animal welfare offences became operational on 2 April this year. I assure you that I take the welfare of animals very seriously and believe that the new tough penalties introduced by the Act will provide a strong deterrent, thus protecting animals from unnecessary suffering, including deliberate acts of cruelty.

The Act recognises that causing unnecessary suffering, including deliberate acts of cruelty, to any animal is a very serious offence, and the penalties contained within the Act reflect that. The extended penalties that we have are stiffer than those in Britain, so we have in place the strongest penalties in these islands. I strongly support tough penalties for animal welfare offences, and, having just recently extended the sentences available for serious animal welfare offences, I believe that we now need time to allow a number of cases to be taken before the courts before any consideration is given to increasing the new penalties.

I am pleased to note that, in one of the first cases, the PSNI recently secured a successful prosecution at Downpatrick Magistrates' Court where a defendant was found guilty of causing unnecessary suffering to a dog. The defendant was fined £250 and was also prohibited from keeping animals for five years.

Another important consideration is that sentencing within the legislative framework here is a matter for the judiciary. In making sentencing decisions, judges take into account the law, the seriousness of the offence, any aggravating or mitigating factors, sentencing guidelines and all relevant circumstances in each case. I have been advised by the Minister of Justice that the Lord Chief Justice, in his programme of action on sentencing, is enhancing the structures by which the judiciary ensures consistent and appropriate sentencing. I understand from the Minister that, under his programme of action, sentencing guidelines on offences of animal cruelty heard in the Magistrates' Courts will be developed in the near future, and I am happy to keep Members informed of how that develops.

I believe that the new tough penalties introduced by the 2011 Act will be a strong deterrent to thugs who would carry out such barbaric welfare abuses as happened in the recent case with Cody. I support full use of the extended sentences available for serious animal welfare offences to include longer periods of imprisonment to ensure that perpetrators receive a punishment that fits the

crime. I intend to meet my counterpart in the Department of Justice to ensure that the guidelines on sentencing encourage the courts to make full use of the range of penalties available and, in horrific cases such as that of Cody, to apply the maximum penalty possible.

I also take this opportunity to reassure Members regarding the implementation of the new Act. The Act has extended the resources available to deal with breaches of animal welfare legislation. The enforcement roles in the new Welfare of Animals Act are very clear: DARD continues to have responsibility for the enforcement of the welfare of farmed animals; the PSNI has responsibility for wild animals, animal fighting and welfare issues where other criminal activities are involved; and, from April this year, councils, for the first time, have responsibility for the enforcement of the welfare of other animals, such as domestic pets and horses.

The new powers in respect of animal welfare have enhanced and strengthened the role of councils in dealing with local issues. As council dog wardens and environmental health officers have already been dealing with dog-control issues, councils have experience and a presence in residential areas, where most welfare offences in respect of domestic pets are likely to occur. The councils are enforcing the Act on a regional basis. There are five welfare animal officers in place. The role of councils involves investigating complaints and taking appropriate enforcement action, which could be simply providing advice, issuing an improvement notice that is legally binding or prosecution action.

According to recent information provided to me by councils, the total number of calls to councils between 2 April and 31 August this year was over 2,000, and 1,802 were animal welfare complaints. Some of the complaints proved to be unfounded and others resulted in verbal advice being given to the animal's owner. A total of 85 formal improvement notices were issued, 24 animals were seized, and a prosecution action will be pursued in a number of cases.

Throughout the debate, a number of Members referred to funding for councils. I want to make it clear that the Department is making available £760,000 for this year and £780,000 for next year, and that will then increase by £20,000 for the next two years of the spending period. To date, I have been very encouraged by the positive response from councils to their new responsibilities. We now have a very close working relationship between councils, DARD

and the PSNI in making sure that all arrangements are in place.

Mr McCarthy: Will the Minister give way?

Mrs O'Neill: OK.

Mr McCarthy: Will the Minister tell the House whether the Department received any representations from councils regarding the lack of funding for the duties that they are expected to carry out?

Mrs O'Neill: To date, all councils seem to be managing within the budget that has been set. We have always said that the door is open and that we will continue the conversation. If a council were to come to me, further down the line, to say that it was insufficient and demonstrated the case, then we would have to take a look at that.

In coming to a close, I take this opportunity to assure Members that I am totally committed to protecting and safeguarding animal welfare. The Welfare of Animals Act that my Department brought forward is a major step forward in protecting the welfare of farmed and other animals, including cats and dogs. The Act introduces a duty of care for all protected animals; it provides the same level of protection for other animals as was previously available for farmed animals; and, crucially, it allows action to be taken to prevent suffering, as opposed to waiting until the suffering has occurred. The Act has also strengthened powers in respect of animal fighting, including dog fighting, and, as I said, the Act significantly increases the maximum penalties available for all animal welfare offences. I believe that it affords a high degree of protection to animals and greatly strengthens the powers to deal with animal welfare issues effectively.

Councils and their animal welfare officers are doing sterling work on the ground in respect of domestic pets and horses, and, as I said, enforcement of the new Act is working well. As I explained earlier, I believe that the new tough penalties that became operational here only on 2 April will be a strong deterrent and will help to prevent animal welfare abuses. The public will be left in no doubt that causing unnecessary suffering, including deliberate acts of cruelty to domestic pets, will not be tolerated and that the perpetrators will be punished.

I genuinely believe that we must give time for the Welfare of Animals Act to bed in and let a number of prosecutions reach the courts before consideration is given to increasing the

maximum penalties available for animal welfare offences. Therefore, I do not support the motion.

I turn now to the amendment. I explained that I strongly support the full use of extended sentences available for serious welfare offences to include longer periods of imprisonment to ensure that perpetrators receive a punishment that fits the crime. On that basis, I support the amendment.

As I said earlier, I intend to meet the Minister of Justice to ensure that the courts will be encouraged to make full use of the range of penalties for animal welfare offences, and in horrific cases, such as the Cody case, apply the maximum penalties possible. I am encouraged that one of the first court cases under the 2011 Act has been well publicised in the local press, and I will encourage the relevant agencies to publicise the outcomes of those cases widely. I think that tough sentences will deter others from committing similar offences.

I will pick up on a few points that Members made. Kieran McCarthy talked about the need for education. I absolutely agree, and it is a key issue. We need to talk to young people about the fact that animals feel pain. We need to take that forward as part of mainstream education. I intend to take up that issue with John O'Dowd, the Minister of Education.

George Robinson picked up on the fact that one of the areas that we need to look at is the introduction of minimum penalties. That is a reasonable avenue to go down, and we could explore it further. When I meet the Minister of Justice, I will raise the issue with him, because it is a matter that could possibly be included in the sentencing guidelines that are being developed for the courts.

Jo-Anne Dobson talked about meeting the Minister of Justice. As I said, I have been engaging with the Minister of Justice, and our officials are regularly in contact.

I want to pick up on the general point that time is needed for the Act to bed in. We do not yet have the evidence to say that it is not working. I think that the sentences are tough, and the judicial system thinks that the sentences are tough. With ongoing regular communication with everybody who is involved, I think that we can improve things.

Paul Frew talked about the agility to move forward, but reasonableness is also a factor, and we have to give the legislation time to bed in. It has not been in operation long enough for

anyone to be able to say that it is not working. Even if legislation were to change in the future, the sentencing in the cases of Cody and the other high-profile cases that have been raised are, unfortunately, not going to change. None of us can answer for animal cruelty and for those who are involved in these barbaric acts, but we can raise awareness, make sure that animal welfare is a high priority for everybody who is involved in looking after animals and ensure that DARD, the PSNI and the councils continue to work together.

Mr McMullan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank everyone for their contribution to today's debate. I find it disappointing that the proposer of the motion dismissed the amendment before I was able to talk about it. We all want the best protection for our animals, which should be of the highest standard. We all have that in common, which came through in the debate this afternoon. Recent events, which were, quite rightly, highlighted in the media, have drawn attention to the minority of people who are involved in these horrendous crimes. Indeed, the Minister was quite right to point out that, although we have laws, we cannot legislate for people's minds and thinking; that is something else.

The Minister referred to the ongoing action and responsibility of DARD, the PSNI and the councils. We need to give the legislation time to bed in. If we feel that it is not adequate, we can look at it again. Several Members, quite rightly, mentioned the situation in the not-too-distant past before the Welfare of Animals Act 2011 came in. When people went to the police, the council or whatever authority, they were told to go to the USPCA, and so on. Now we know who is responsible, and there can be no hiding from the legislation.

6.00 pm

If, for example, there is a report about a non-domestic or farmed animal, there is a body responsible for that, just as there is for domestic pets and non-farmed animals. There can be no more hiding behind the question of whose job it is to do what. As soon as we get that done, the better. I can understand people getting emotive and looking for longer sentences, but we must wait to see whether those enacting the policy and who have the legal wherewithal to prosecute are doing so. So, at this stage, it would be nonsensical to try to change the system. We must give them a chance to put into operation what the Assembly has put in front of them.

I have just a few observations to make. Joe Byrne mentioned looking at giving more money to councils, and he was quite right to bring that up, because we have to look at all these things. As the Minister said, that door is not closed.

I agree with Kieran McCarthy that we have to start by educating younger people. We have to make sure that pet shops, or whoever sells animals, has a programme to hand out to young people or their parents. We have to think about all that. So, you are quite right about that.

Steven Agnew talked about testing animals in laboratories. He was agreeing with me when he said that those with the legal powers must be seen to act. You are quite right.

Paul Givan accused me of being smart. If being perceptive is being smart, I am guilty. I do not know what category I would put you in, because if the Chairman of the Justice Committee has not raised it at his Committee —

Mr Principal Deputy Speaker: All remarks should be through the Chair; do not use "you".

Mr McMullan: Sorry about that.

Paul Frew, quite rightly, also stated that education was important, and that was a theme that came through. I do not know the percentage, but quite a lot of animal cruelty cases involve those who are under the age of 16 or are minors. This is part of the problem, too: we still do not know whether the courts will hand out stronger sentences. As the Minister said — I was heartened to hear other Members also say this — we now have legislation, and I ask the Assembly to give it a chance to bed in. This afternoon, the Minister has been quite open and clear in saying that the door to revisiting the legislation is still open. The legislation itself includes powers to look at that again. Members, I am here to talk on the amendment —

Mr Principal Deputy Speaker: Bring your remarks to a close.

Mr McMullan: — but let us give this whole thing a chance.

Mr Wells: I think that this is a test of the Minister's commitment to stamp out animal cruelty. For all her many faults, her predecessor, Ms Gildernew, had, I believe, a genuine commitment to animal welfare. That was exhibited by her stance on the decision by your good self, Mr Deputy Speaker, to try to inflict further hare coursing on the people of

Northern Ireland. Although most Back-Benchers and, indeed, the Front Bench spokesman for Sinn Féin, meekly followed you through the Lobby in support, Ms Gildernew and Mr Mitchel McLaughlin made it very clear that they did so under the strongest possible protest and that Mr Martin Ferris was forcing them to do something that they had absolutely no time for. I noticed that Mrs O'Neill made very little in the way of her opposition known at that time. So, this is a test of whether she is committed to animal welfare or is simply reading a set text that the Department gave to her. We will wait and see; the jury is out.

I had a dog called Simon. I had him from when I was four until I was 21 — 17 years. For the first 13 years, he used to run behind my bicycle along the main street of Moira. For the last four years of his life, he sat on the handlebars and looked around the entire village as he sailed down that same street on the way to the canal. Thirty years later, people still remember that and my fondness for that dog.

That was only three miles from Maghaberry, where this dreadful incident happened. That has crystallised my concern about the treatment of Cody.

This issue is likely to end up before the courts, and we all hope that it will. Therefore, I think that the less said about it the better, because we do not want to say anything that would prejudice a fair trial. However, it has highlighted the increasing concern among our public about animal welfare. I congratulate George Robinson, who raised the issue. Oliver McMullan, Kieran McCarthy and Joe Byrne all emphasised just how abhorrent they found it, but Thomas Buchanan added some interesting material. He quoted 19 similar incidents in the north-west of the Province. The reality is that there are still people in Northern Ireland who regard the torture of animals as a legitimate pastime. What is important about this incident and others is that we need to send out a very clear message to the community that we, as a society, will not tolerate those who torture domestic animals. We have made huge strides forward in the treatment of farmed animals, and we can now say that Northern Ireland is probably one of the most welfare-friendly agricultural communities anywhere in the world. We are proud that our animals are exceptionally well treated as a result of European directives, and we can sell our products on the open market with a very clear branding of being welfare-friendly. Equally, we need to be a society that is known throughout Europe as being welfare-friendly to our domestic pets. Therefore, I think that the clear message from

today is that we will not tolerate this in our Province, and we want an example to be made of those who do it.

While we are all polishing our halos and congratulating ourselves on how wonderful we are in our attitude to domestic animals, let us remember the obscenity of how circus animals are treated. Mr Agnew and Mr Newton raised that issue. The Minister would do well to support the motion or to legislate to do what many other civilised countries have done and ban the use of wild animals in circuses. That is an anachronism that has to end. Remember that there are other issues that we still have to be concerned about.

I am Chair of the all-party group on visual impairment, and I recently met guide dog owners who had Alsatians as their guide dogs. They are very intelligent animals, yet, tonight, as we speak, how many thousands of German shepherd dogs are tied on a very short chain in yards throughout Northern Ireland? They are never exercised, they are never given any form of stimulation, and they spend their entire life on a six-foot piece of chain. That is no way to treat an intelligent animal, yet our welfare legislation allows that to happen.

I see the Minister of the Environment, who, unfortunately for him, is in the Chamber today. What is he doing to control the indiscriminate use of snares? As we speak, how many hundreds of badgers, foxes and hares are writhing in agony in a snare from which they cannot escape, as the snare tightens around their neck and they die a very slow, agonising death? I will let the Minister intervene if he wants to, but he has been promising us for several months that he will bring in a licensing system to control the abuse of snares, yet we have seen absolutely no evidence of it being introduced in Northern Ireland.

Mr Attwood: I anticipated that the Member would raise this matter. That is why I came here and set myself up for the firing squad.

There will be a consultation in the near future in respect of snares. However, more generally, today I have written to Minister Ford, to the Chief Constable and to others to gather people together to deal with the issue of cruelty to animals. Given the profile around badger baiting recently and the prosecutions in that regard, I am trying to gather together the relevant agencies to upgrade and upskill our attempts to deal with issues of animal welfare. Therefore, far from sitting and not acting in respect of snares and in terms of that strategic intervention, I am gathering together all those

who have an interest in the protection of animal welfare and the enforcement of the law in respect of animal welfare. I hope that that goes some distance to reassure the Member.

Mr Wells: I am glad that the Minister came to answer my point. He knows that I have asked a series of questions for written answer about this issue, but I hope that whatever he introduces will ensure that we do not have a situation in which snares are left unattended not for 24 hours but for days and weeks, with animals dying a very painful death in those snares. That is a cruel, horrible way for any animal to die, and we must banish that practice in Northern Ireland for ever.

What is the honourable Member for Mid Ulster, the Agriculture Minister, doing about puppy farming, which, as practised in many remote rural areas in Northern Ireland, is an obscenity? The dogs are kept in appalling conditions, and yet we do not seem to have grasped how important it is to enforce animal welfare legislation for that. That must be dealt with. Although we all feel that the fate of Cody was absolutely appalling, as were other similar instances, it is no good concentrating on that issue when, behind our backs, real issues with animal welfare in Northern Ireland still have to be dealt with. People ask, "Why should we be concerned about animal welfare? Why should we be concerned that, in Dundonald, for instance, people regularly dump badgers in coal bunkers, bring them out to let them be ripped to pieces and almost to death by dogs, and then put them back in again until next time?". The problem is that the people who do such things also do it to human beings. If we cannot instil respect for animals in our children and community, is it any surprise that there are vicious and evil attacks on fellow human beings? I think that how we treat both the most vulnerable human beings and animals is a measure of us as a society, and we have to act.

I will watch with interest to see how fervently the Minister addresses the issue. I get the feeling that all she is prepared to do is to take her briefings from the Department and that she has no personal commitment to the issue. I want to be proven wrong, Minister. I want, some day, to stand up, apologise and say that I was wrong about your view on this, but I am not getting that view from you at the moment. I certainly got it —

Mrs O'Neill: Will the Member give way?

Mr Wells: Yes.

Mrs O'Neill: We had the debate today, and I have put on record my commitment to dealing with the issue. During Question Time, I also gave you that commitment. I can do no more than that. If you are a reasonable person, you will see that this has been in place for only a very short time. If you are a reasonable person, you will look at this and ask, "Where is the evidence that this does not work, that it is not sufficient and that the punishment does not fit the crime?". If you can give me evidence at this early stage to show that that is the case, I will certainly listen to it. You have not been forthcoming with that to date. The point is that, in such a short time, you cannot establish that. We need to see cases going to the courts. When the legislation went through the Assembly, I do not recall you raising an issue with it. I do not recall you saying that the sentencing was not sufficient.

Mr Principal Deputy Speaker: Everything through the Chair.

Mrs O'Neill: Through the Chair, that is the point that I put back to you today. I am committed to this issue. I think it is clear that everybody in the House is very passionate about the issue, but we need to give the legislation a chance to work.

Mr Wells: I have to say that the honourable lady is a much better speaker when she is speaking from the heart than when reading from a prepared DARD statement. Perhaps there is a lesson there for the future.

I read the article in the 'Down Recorder' about the mistreatment of the dog in Downpatrick. To my mind, a £250 fine is not adequate punishment for the horrendous treatment of that animal. That should have led to a custodial sentence, but that did not happen. That is the problem. The first test, in my opinion, has been failed. Therefore, we need to put somebody behind bars for a long time to show him that we will not tolerate this type of cruelty in Northern Ireland.

Question put, That the amendment be made.

Question, That the amendment be made, put a second time and negatived.

Main Question put and agreed to.

Resolved:

That this Assembly calls on the Minister of Agriculture and Rural Development to extend the sentences available for deliberate and

severe animal cruelty to include longer periods of imprisonment to ensure that perpetrators receive a punishment that fits the crime.

Adjourned at 6.18 pm.



Published by Authority of the Northern Ireland Assembly,
Belfast: The Stationery Office

and available from:

Online
www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO
PO Box 29, Norwich, NR3 1GN
Telephone orders/General enquiries: 0870 600 5522
Fax orders: 0870 600 5533
E-mail: customer.services@tso.co.uk
Textphone 0870 240 3701

TSO@Blackwell and other Accredited Agents

ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325
Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited
© Copyright Northern Ireland Assembly Commission 2012

