

William Irwin MLA
Chairperson, Committee for Agriculture and Rural Development

Minister O'Neill
Room 438
Dundonald House
Upper Newtownards Road
Ballymiscaw
Belfast
BT4 3SB

23rd February 2016

Dear Minister,

At its meeting of the 16th February 2016, the Committee received an oral briefing from DARD officials on the Inquiry into Better Regulation.

The Committee, recognising that the end of the Mandate is imminent, has accepted that it is not feasible to finalise and publish an Inquiry Report. However, given that the Committee has done significant work gathering and considering evidence as part of the Inquiry, Members agreed that the issues identified to date should be brought to the direct attention of the Minister.

The Committee also believes that the continued pursuit of better regulation should be a priority for the new Department for Agriculture, Environment and Rural Affairs.

The Inquiry into Better Regulation has already realised several practical changes which have eased the regulatory burden faced of farmers in Northern Ireland. The most important of these were undoubtedly the relaxation in the Department's position on cattle ID tags (and the associated penalty matrix) and the recent announcement regarding electronic herd registers.

During their briefing on 16th February 2016, Department officials indicated that, in light of the issues highlighted by the Committee, further action may be considered to address the burden of regulation, namely:-

- An acknowledgement by officials of the value of including definitive targets in the Review of Decisions process, and plans to include targets for turnaround times for cases and stages therein; and

- Recognition that the Regulatory Impact Assessment process should be subject to external scrutiny, a suggestion currently under consideration as part of the DETI-led Review of Business Red Tape which recommended the appointment of a Better Regulation Champion and an independent scrutiny committee.

The Committee is gratified that, working together with the Department, it can affect positive change for farmers in this way. It also believes that the progress made in these areas confirms that the Department accepts that there is always room for improvement and is receptive to the suggestions of the Committee in this regard.

In light of this, the Committee agreed that the evidence considered to date reveals several other areas where the Department may be able to reduce the volume and burden of regulation currently faced by our farmers.

Members would ask that the Minister and her officials give further consideration to the matters below and bring them to the attention of the incoming Minister.

- Benchmarking

While the Department has stated that it is open to adopting similar approaches to neighbouring jurisdictions, it continues to exhibit a cautious approach, stating that “in order to guard against negative audit findings, DARD must seek to ensure that the position it takes is in line with Commission guidance/regulations”. The Committee would contend that the over-cautiousness of the Department in this regard is ultimately to the detriment of the farmer in Northern Ireland. The Committee are therefore keen that the Department establishes systems whereby guidance/regulations and penalties are routinely benchmarked against other jurisdictions.

- Auditing / Internal and External Scrutiny of Regulation

While this issue is currently under consideration at an Executive level, the Committee would urge the Department to be proactive in implementing a much more rigorous internal scrutiny regime, to ensure that regulations introduced are appropriate and proportionate and that a tick box approach is not taken to issues such as gold plating.

- Recording Colour of animal

This issue has been raised by the Committee on a number of occasions. However, the Department has resolutely maintained its position that it sees

merit in recording both colour and breed, as both can be subjective but taken together, they provide a fuller and better description of the animal. As stated previously, there is no legislative requirement to record the colour of an animal. The Committee has noted that the recording of colour of an animal is not used in the Republic of Ireland nor in England. There is no evidence to suggest that these jurisdictions have any traceability issues as a result. In the information considered by the Committee at the meeting of 16 February 2016, statistics were provided indicating the number of animals which had IDQ status applied and then subsequently removed between 2012/13 and 2014/15. However, the number of instances in which the colour of an animal was used to resolve traceability issues in the same period was not supplied. The Committee would again request that this statistic is provided, as it remains their contention that colour is of little utility in resolving such cases.

Yours sincerely

William Irwin MLA
Chairperson
Committee for Agriculture and Rural Development