



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

Marine Bill: Proposed Committee
Amendment

29 November 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)

Mr Tom Elliott

Lord Morrow

Mr Alastair Ross

Mr Peter Weir

The Chairperson: Having got feedback from the fishing industry and the Marine Task Force, and a briefing from the Department, we now need to consider this draft amendment to the Marine Bill on displacement, and also a new departmental draft amendment on sustainable development. Members' papers include the draft Committee amendment on displacement; the departmental reply regarding displacement; and an e-mail from the Northern Ireland Marine Task Force on the possible Committee amendment. So, members have all the past papers on displacement and the one on sustainable development.

Quickly, we finished our Committee scrutiny and produced our report, but then we talked to the fishing industry, and its representatives were concerned about displacement. So, we produced a draft amendment on displacement and talked to the Department, which came to brief us. It said that it would look at it if we sent it in. However, departmental officials seemed to say that they did not think that displacement would be a problem or an issue.

Mr Weir: To focus on the issue; I do not necessarily agree with the Department's position in the sense that it seems to be accepted by all sides, other than the Department, that displacement is likely to be an issue. I have looked over the various wordings. To be fair, the revised amendment from the Marine Task Force seems to be a reasonable way forward. I am not sure that there should be a great deal of dissent on this. I propose that we move ahead with that as the amendment.

The Chairperson: I agree with that, and I have spoken to Simon, who also agrees. I think that it is a more balanced view. It takes into account the environmental impact, the fishing quotas and the fishing industry's concerns. So, members, are you content that we propose the revised amendment from the Marine Task Force?

Members indicated assent.

The Chairperson: The next thing is the letter from the Department regarding sustainable development and its draft amendment. Members will probably recall our asking about this at the very beginning of the Committee Stage scrutiny, because stakeholders were quite concerned that sustainable development and climate change should be put at the beginning of the Bill. The Department told us that there was no need because that was covered by the duties to public authorities. The Bill Office also advised us that we did not need to reiterate that because it is covered by other legislation. So,

we went along with it, saying that perhaps the Minister would state, in the Consideration Stage debate, that the Bill would put emphasis on sustainable development and climate change mitigation. However, the Minister now seems to have changed his mind. He wants to put in an amendment at the beginning of the Bill, emphasising sustainable development as an issue to be included. So, members —

Mr Weir: Chair, I am not sure that we need to decide on this, because it is the Department's amendment. I understand from what officials said that the amendment has yet to be put to the Executive. I do not have any particular problem with the thing from the point of view of the wording. I am a wee bit concerned that the original argument was essentially that sustainability was already covered in legislation and did not need to be reiterated. That tends to be the normal process. I am not quite clear precisely what has changed to require the amendment. I have no massive problem with what is there; it is more the principle of the thing.

The Chairperson: The Committee Clerk has just informed me that the Committee needs to take a position on this, because in our report, our decision —

The Committee Clerk: It would simply be that, at the minute, the Committee's report — the current position, which is in the public domain — states that it is not supportive of including reference to sustainable development in the Bill because it is already included in other legislation. That is the Committee position that would be put across at Consideration Stage if the amendment is accepted for debate. It just means the discussion has happened on this issue, but now the Department's position has changed, and whether the Committee retains its previous position or accepts the amendment.

Mr Elliott: The Department's position has certainly changed, but I see no reason why the Committee's should, at this stage. We have not, I suppose, had an in-depth debate on this, apart from when we went through Committee Stage, when it was discussed at great length. I do not see any reason why we need to change our position. That does not mean that members, even most of them, might not change their mind at Consideration Stage in the Assembly. I just do not believe that there is any need for us to look at this further. There is no huge explanation as to why the Department has changed its stance on the issue, which was pretty firm at Committee Stage. Those are my thoughts at the moment.

The Chairperson: Yes, although we argued for it at the very beginning. We had been lobbied quite strongly by the sector that it needed to be in.

Mr Weir: I understand that. I do not think that anybody doubts that sustainable development needs to be an important factor. The issue is that it was said — as has happened on a number of occasions — that if pre-existing legislation covers all these things, you do not reiterate that in Bills, on the grounds that there then would be an inference drawn that the bits that are reiterated are of greater significance than the bits that you have not. There is a reason why, generally speaking, that is not done. Am I right in saying this has to be put to the Executive, essentially as regards departmental amendments?

The Committee Clerk: The Department still has to take all those amendments to the Executive. Whether it has done that, I do not know.

Mr Weir: Am I right in thinking, in the way this process works, that departmental amendments that are accepted by the Executive go ahead as departmental amendments, but if they are not accepted by the Executive, they do not appear?

The Committee Clerk: That is my understanding.

Mr Weir: I would not take a hard and fast position on this. Let us wait to see what the response is to the departmental amendments. It would look slightly ridiculous if we did a flip-flop on where we stand and then found that the Executive did not approve it, because we would officially be in favour of something that would not actually appear. The whole thing gets a distinct level of farce.

I would have preferred it if this position had been taken at an earlier stage, instead of coming with one position and then, at the last minute, being seen to reverse that. I am not altogether sure. Clearly, if the Executive, for example, want to approve this, I do not see why this Committee would want to take any particular issue or kick up a fuss on that. On the flip side, I agree with Tom that just because the Minister has changed his mind, I do not see why we should automatically jump to the other side,

particularly when all the evidence we were given was on the other side. Now it appears to have flipped. I am not quite sure what the reason for that is. I would take a holding position for the moment.

The Chairperson: Do members agree with that position?

Members indicated assent.

Mr Elliott: It might be useful for the Department to give us a little more detail as to why it has changed. It has said that it wants to reaffirm, but in legislation, you do not need to reaffirm. If it is there, it is there, and if it is not, it is not. If the Department gives us a better explanation, that will leave us better prepared for the Consideration Stage.

Mr Weir: In the contribution we can make in the debate, for instance.

The Chairperson: I agree.