Northern Ireland Assembly

Committee for Finance and Personnel

OFFICIAL REPORT (Hansard)

Civil Service (Special Advisers) Bill: Briefing from Mr Jim Allister MLA

12 December 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:
Mr Daithí McKay (Chairperson)
Mr Dominic Bradley (Deputy Chairperson)
Mrs Judith Cochrane
Mr Leslie Cree
Mr Paul Girvan
Mr John McCallister
Mr Mitchel McLaughlin
Mr Peter Weir

Witnesses:
Mr Jim Allister Northern Ireland Assembly

The Chairperson: I welcome back to the Committee, Mr Jim Allister, the sponsor of the Bill. Jim, perhaps you want to make an opening statement with regard to the paper. I know that you have not had long to consider it.

Mr Jim Allister (Northern Ireland Assembly): Thanks for the opportunity to appear again and to deal with some of the issues that are in the issues paper. I have probably anticipated most of them. Although I have obviously not had a chance to study the issues paper in detail, I will seek to address the matters as best I can.

I will make a couple of preliminary points. Obviously, I have tried to follow the evidence as best I can. It seems to me that there has been relatively little controversy or comment on clauses 4, 5, 6 and 7 and that, rather, the focus of attention has been on the other clauses. That might be indicative that there is a general acceptance that it is probably a good thing to bring some degree of statutory regulation to the process pertaining to special advisers and to put on a statutory footing a number of matters pertaining to them.

The Committee heard a lot of evidence, some of which ranged far and wide. I suggest that the Committee heard no more poignant or compelling evidence than that of Ann Travers. It put the focus on why you have this Bill before you. Evidence, not just from her but from some others, identified a particular gap in the consideration given to victims in such appointments. Given that she spoke from the heart, Ms Travers expressed far more eloquently than I ever could the need for legislation such as this.

I will speak briefly about the observations of the Office of the Legislative Counsel (OLC). A lot of those are stylistic changes, and you can take different views. Some are quite technical. I have taken a view

on a number of stylistic ones. If you wish, I can indicate, paragraph by paragraph, what I am minded to say that I consent to. However, I am taking advice from the legal draughtsmen on the document. Therefore, it strikes me that it might be more useful to the Committee if I await those advices and then submit to you in writing the entirety of my view about the OLC contribution. If that is acceptable to the Committee, that is how I propose to deal with that. Probably after Christmas, I can issue you with correspondence setting out my view on each and every proposition raised.

The only comment that I would make at this stage about the OLC contribution is that it was simply wrong to state, at paragraph 4, that the 1999 Order had not been amended to allow the appointment of special advisers by junior Ministers. There is such a change. There was an Order in 2007. Members who were here at that time probably remember the introduction of that change. So, it was simply wrong about that. That provision does now exist, so junior Ministers are among those who can make appointments in that regard. I have no difficulty whatever with a number of the OLC's issues and problems, as they are simply stylistic. I will give some response on all the issues when I can.

I will make another couple of general comments. There seemed to be a misfocus or misconception among some people that this Bill is interested in addressing only those with terrorist convictions. This Bill applies to anyone with any criminal conviction of the magnitude of five years or above. I was somewhat surprised that some of the evidence did not seem to grasp that point. Indeed, one of your members, Mr McIlveen, put it to one person that, by that approach, they are, in fact, creating a hierarchy of criminals. There seemed to be a pervasive interest in the well-being and prospects of those with terrorist convictions, thereby, creating a hierarchy of criminality. This Bill does not do that. This Bill applies across the board to all criminals, terrorist or otherwise. I just want to make that absolutely clear.

I come now to some of the key human rights issues, which are probably among the more pertinent matters that I need to address. I remind the Committee that when it comes to the competency of a Bill, under the 1998 Act, only the European Convention on Human Rights occupies the position that any Assembly legislation must be compatible with it. Whatever other plethora of human rights covenants and declarations there are, the statutory obligation for the Assembly relates only to compatibility with the rights under the European Convention on Human Rights. That is from section 6 of the Northern Ireland Act 1998.

On the issue of whether there is compatibility with article 7, the essence of the contention is whether the ineligibility for a post of special adviser constitutes a criminal penalty. You had various evidence. You had the suggestion from the Attorney General that it could do. However, you then had evidence from Professor Brice Dickson, who said:

> *"I do not think that you can categorise the rendering of someone as ineligible for a position as a punishment as such. It may be a disadvantage to that person, but I do not think that [the convention] would regard it as a 'punishment' or a 'penalty'".*

Indeed, Professor O'Flaherty from the Human Rights Commission said this with regard to potential candidates:

> *"I find it hard to see that the Bill would constitute a penalty ... they are not in post and there is no immediate victimisation of them to the extent that it is punitive."*

With regard to persons already in post, he argued that it was difficult to see removing them from post as a penalty, as they were given compensation for that removal.

So, I would respectfully suggest that the preponderance of views from the experts is that the Bill does not violate article 7. That remains my strong contention. The measure is characterised properly as introducing eligibility for a post rather than as a punishment. I remind you that one case quoted to you was the case of R v. Field. It proceeded on the basis that disqualifying people from working with children did not constitute a criminal penalty within the meaning of article 7. That seemed to be a common thread in most of those cases. So, I share the view of the majority of witnesses to you that the Bill does not breach article 7.

I do not think that there was any serious contention that it breaches articles 8 or 9 or article 1, protocol 1 about the right to property. No witness argued that that protocol was breached. Article 14 is, of course, a parasitic article in that it comes into play only if it can be piggybacked on another article, and that is the protection from discrimination. Moreover, we know, and you had it brought out to you by the Equality Commission, that there already is a provision in our employment law that people cannot

rely, in defence of their political opinion, on opinions that support violence. There was the quite famous case, which still stands, that went all the way to the House of Lords.

I come to the issue in the Bill that some characterised as being a blanket ban. A number of witnesses brought that up and asked whether the Bill amounted to a blanket ban on persons becoming special advisers if they had serious criminal convictions. Tagged to that was the comment that there was a lack of individualisation in the Bill; that is, it did not take into account individual circumstances. On the matter of whether the Bill constitutes a blanket ban, I would say first that it is not a blanket ban, because it does not apply across the Civil Service. It does not say to someone with a relevant conviction, "You are banned from working anywhere in the Civil Service." It is quite discriminatory, in that it picks out a particular section of the Civil Service, because of its particular profile and genesis. The Bill states that you would not be eligible to apply for a post as a special adviser.

Secondly, it does not prevent all persons with a criminal conviction from being special advisers. It prevents only people with a serious criminal conviction. Therefore, it is not a blanket ban on people with criminal convictions being either civil servants or special advisers. It is limited in those two dimensions. As such, I refute the suggestion that the Bill contains a blanket ban. It certainly is a very restricted ban, and it is certainly true that the ban is permanent and unreviewable, but it is not a blanket ban, so I think that it is wrong to characterise it in that regard.

If it is not a blanket ban, the question is whether the lack of a review is a proportionate or disproportionate response. My view is that, in the particular circumstances, and there are particular restricted circumstances that the Bill is directing itself at, it is quite proportionate not to have a review. That is my position. I understand that the Committee has not yet had a discussion about the Bill as such. If the Committee reaches the view that it does feel that there is some need for a review mechanism, that is not something that I have closed my mind to as the sponsor of the Bill. It is something that I am not persuaded of at this moment. However, I remain open to discussing with the Committee the prospects and possibilities in that regard. They would have to be prospects and possibilities that build into any review due and significant regard to the question of contrition, the views of the victims of those being sought to be appointed, and the extent to which those being sought to be appointed to such a public office have been of assistance in the solving of the crime for which they were convicted. If it is thought necessary to have a review process, provided that it embraces those concepts in an adequate way, I have not closed my mind to it. However, I am not at all persuaded at the moment that there is a need for that mechanism, given the Bill's very particular and limited circumstances.

There was all sorts of evidence presented to you about lustration and soft law. Soft law is all very interesting, but it does not actually apply, apart from scene-setting; it is not binding in regard to any of these matters. It gives rise to a fascinating academic debate, but it does not really inform very much what a legislator can do. The other important point to remember is that a variety of cases demonstrate that the courts will always show very significant deference to a legislator on the political judgement point and the political question raised. There is what is called a considerable margin of appreciation for what a legislator does. Courts will be very slow to intervene in that in any regard.

I have sought, as swiftly as I can, to review some of what might be thought to be the more pertinent issues. I am not sure that I have dealt with all the themes that are in your issues paper, but, no doubt, if I have not, there will be questions that touch on them.

The Chairperson: Thank you, Mr Allister. There has been some reference in the evidence to the Good Friday Agreement and the St Andrews Agreement, and comment contained therein that some of the witnesses said was relevant when taking the Bill into consideration. I think that Tar Isteach made reference to the St Andrews Agreement and said that the Government gave a commitment to work with business, trade unions and ex-prisoner groups to produce guidance for employers in the private and public sector. The Office of the First Minister and deputy First Minister commissioned employers' guidance on recruiting people with conflict-related convictions early in 2007. Do you think that your Bill is going against the grain, to put it mildly, of the St Andrews Agreement?

Mr Allister: No, I do not. Guidance is exactly that: guidance. A Bill, if it is passed, takes on statutory form. Guidance can never be a barrier to legislation. One can legislate over, above and beyond guidance, because guidance is only that. I see no constraint. Indeed, in the Bill getting this far, it is quite clear that it has been regarded by those who have to assess these tests that it is compatible with the statutory powers of the Assembly, or the Speaker would not have approved the Bill to be before you at all. Likewise, the Assembly, by its vote, has brought it this far. I do not see any impediment in

the Belfast Agreement, the St Andrews Agreement or the guidance that Sir George Quigley and others spoke to that prevents the Bill from taking its course and, if it is the will of the Assembly, becoming law.

The Chairperson: What did you make of George Quigley's comments that he would be concerned about the fact that the legislation affects convictions of five years and above? He said that, if that were to be spread across the board, he would have significant concerns about how it —

Mr Allister: It is not being spread across the board. The Bill is very precise and focused on special advisers. It does not attempt to make it wider than that. We are talking about fewer than 20 posts. It is not a general application to the Civil Service.

The Chairperson: Surely it sends out a message. If other employers are considering applications, and prisoners have applied, those employers will be inclined to take into account the case of special advisers. It sets an example.

Mr Allister: The Bill does not apply to the private sector; it applies to a minute section of the public sector. It has no bearing on what the private sector does or does not do. The guidance that you talk about might have some bearing in the private sector, but the Bill certainly will not.

The Chairperson: Do you believe that the proposals that you are putting forward for the small number of posts for special advisers should be extended to any other positions in the future?

Mr Allister: If I thought that, it would be in the Bill.

The Chairperson: What consultation did you have with republican ex-prisoner groups?

Mr Allister: I made public declaration of the consultation, I made it available on website by a public statement and I believe that we sent it to particular high-profile prisoners' groups, which would have included some republicans. I cannot remember exactly to whom. We had response from some.

The Chairperson: Did you have any communication with loyalist ex-prisoner groups?

Mr Allister: No, no more was it available to them than it was to anyone else.

The Chairperson: The reintegration of ex-prisoners in republican and loyalist communities has been part of the debate that we have been having in our evidence-gathering. What is your view on how ex-prisoners throughout the community should be reintegrated into that community, especially in the area of employment?

Mr Allister: I do not think that ex-prisoners should be jobless. When they have served their sentence — of course, some did not serve their sentence — they should be available in the employment market. The Bill is saying that there is a particular sensitivity about the position of special advisers, made sensitive by a gauche and deliberately provocative appointment. That sensitivity means that, as legislators, we cannot close our eyes to that. We have to address the issue, and we have to close the loophole that allowed such a devastatingly traumatic appointment, for victims, to be made. That does not slam the door on anyone seeking any other employment, not even in the Civil Service, and certainly not in the private sector or anywhere else.

The Bill is not about doing down prisoners. I remind you that it applies to all prisoners, not just terrorist prisoners. It is not about doing them down. It is about saying that, because of what has happened, there is a particular circumstance in which it is unconscionable that someone could be appointed to a post such as this. Within that limited remit, therefore, action is to be taken to make it an eligibility for appointment that you do not have a serious criminal conviction, whether that be for rape or murder, or for a domestic or terrorist offence. If you have a serious criminal conviction, you are not eligible for the post, and it would be unconscionable to allow you to be.

The Chairperson: Given the background to the Bill, which you referred to, is the legislation being punitive?

Mr Allister: It is not being punitive, because it is not punishing anyone. It is creating eligibility criteria for a very select and limited number of posts. Ann Travers very generously said that she does not

object to Ms McArdle being given a job in a Sinn Féin office, as, I think, is now the situation. However, she does object to, and the Bill objects to, rubbing the nose of victims in bloodstained dirt by the appointment to such a seminal and pivotal position of the one who made them victims. That is what the issue is here, and that is why it is about setting eligibility criteria to ensure that that does not happen again.

The Chairperson: Is that not retribution, though?

Mr Allister: It is not retribution. It is justice.

The Chairperson: Given that this particular case refers back to the 1980s, and the fact that a conviction was handed down, surely this refers back to that process again, post hoc. That is why there are so many concerns about the Bill.

Mr Allister: I do not think that the date of the offending is the issue. You had only to sit and listen to Ann Travers to realise that, whether it was the 1980s, 1960s or 2000s, it is as raw today for victims as it ever was. I do not think that anyone could fail to have been moved by the evidence, because it came so much from the heart. The reopening of that wound was indisputable. It is to deal with that mischief that this Bill is before you.

The Chairperson: You referred to the fact that the appointment was "rubbing the nose of victims" in it because of the position of special adviser. Is that the only position to which you would apply this?

Mr Allister: That is the only position that the Bill applies to, yes.

The Chairperson: You would not wish to apply the same provision to any other publicly appointed post? It is only for special advisers?

Mr Allister: If the Committee wants to table an amendment applicable to other public posts, that is a matter for the Committee. It is not what my Bill proposes.

Mr D Bradley: Good morning. We live, we hope, in a democracy, and there are certain aspects of that that are relevant, including the rehabilitation of offenders and their reintegration, as was mentioned earlier. As a law professional, you might have a better understanding of that than many.

I understand the background to your Bill. It concerns the appointment of Ms McArdle, and, as you rightly pointed out, we heard the very moving evidence of Ann Travers. There is no doubt that Ms Travers's feelings were brought to the fore again by that appointment and are still extremely raw. I think that she articulated her situation very graphically when she appeared before the Committee.

Taking all that into account, is it not the case that perhaps your Bill is an overreaction to that situation and that the Minister's reaction and the new arrangements, or the review of arrangements, that he has initiated is a more measured and thoughtful reaction to the situation?

Mr Allister: The problem with the Minister's reaction is not its content but the fact that he has been thwarted. You have heard evidence that the guidance that he brought in has been ignored in subsequent appointments by Sinn Féin. Therefore, you are in a situation in which there are appointments, and you have guidance that states the way to do it, yet one of the primary parties of government, which has since made a number of special adviser appointments, simply thumbs its nose at it and says, "Say what you like, but that is not how we are doing it."

Therefore, the guidance is not being implemented. I believe that that is an added reason that the legislative route is the only route to go. I always thought that it was the best route, because guidance is only guidance and is subject to the whim of the next Minister, who can change it on a whim. It is therefore far better that you lay it down in legislation anyhow, but the case for laying it down in legislation is now even stronger, because the guidance has been shown to be impotent, in that it has not been implemented. Political reality points towards increased necessity, not less need, for the Bill.

Mr D Bradley: You said that the guidance has been ignored and appointments have been made, but there is an important difference. Appointments that have been made are, as far as I know, not being paid for out of the public purse. I can turn around tomorrow as an MLA and appoint someone as my special adviser —

Mr Allister: No, but, with respect, Mr Bradley, you cannot appoint someone to the heart of government. You cannot appoint somebody who has the right to see every paper that the Minister sees. You cannot appoint someone who is at the absolute top and heart of government. You can appoint somebody to advise you outside of those parameters, but the point about special advisers is not just that they are paid from public funds. It is the job that they do and the core role that they play right at the top and heart of government. There are people today in those positions with all that access who were appointed without going through the guidance that exists.

Mr D Bradley: The Department would claim that they are not properly appointed.

Mr Allister: But they are still there. They still have the same access to all the documents and papers, and all the ears that come with that. They are still facilitated and equipped with all that power and influence, in defiance of the appointment guidance. Therefore, it seems to me that that substantiates the case for the Bill, because it is about more than the fact that it is public money being used.

Mr D Bradley: I take the points that you have made. Do you think that most of the requirements of your Bill could be satisfied by putting the Minister's new arrangements on a statutory footing?

Mr Allister: By and large, that is what the Bill seeks to do: to put the code of appointment on a statutory footing; to introduce reporting, which is not in the guidance; to put the code of conduct on a statutory footing; and to put the vetting on a statutory footing. Part of the rationale for all of that is so that the ground rules are firmly set, that they cannot be changed on a whim, and that the next Minister does not come along, tear up the existing guidance and reignite the existing controversy. If you legislate for it, you set the parameters, and, whoever the Minister is, he knows that if he wants to change that, he has to get that through the Assembly, not simply issue fresh guidance.

Mr D Bradley: There is a difference, though. The Minister's new arrangements — guidance, or whatever — do not contain the five-year criminal offence.

Mr Allister: No, it gives the right to have regard to matters such as that, but it does not create anything approaching an absolute so that if you have a serious criminal conviction, you are not eligible to be appointed. There is the policy discussion as to whether, given what has happened and given the evidence that you heard from people such as Ann Travers, there is not a crying need for a legislative response from the Assembly to address that inequity and the injustice that has been done, and to do it in a manner that addresses it for now and the future.

Mr D Bradley: To be clear, would you be happy if the Minister's guidance were put on a statutory footing?

Mr Allister: It would have to be put in a Bill. The Minister has not sought to do that. The only Bill that is seeking to do anything about it is this Bill, so I do not have a Bill to compare my Bill with. I do not have any other proposition to compare it with. All that I can compare it with is guidance, which, through no fault of the Minister, is impotent guidance, because it is being ignored. I am saying that, in those circumstances, this is the only Bill in town.

Mr D Bradley: Surely it would be possible to encompass the Minister's guidance, through amendment, in your Bill.

Mr Allister: In a way, this is setting the parameters to give statutory form and authority to various things that currently only have the status of guidance. Those include the code of conduct and the code of appointment, introducing the parallel situation with GB of an annual report and taking away the power of the Presiding Officer. All those things will be put on a statutory footing, and, yes, the Bill introduces the provision of eligibility so that if you have a serious criminal conviction, you are not eligible to be appointed.

From first principles, I think that legislation is always better than guidance. When you have guidance that is being ignored, it is particularly better to have legislation, and it is right that that legislation address the matter fully and that it legislate to stop the mischief that gave rise to the concern in the first place.

Mr D Bradley: If the Minister's new arrangements were to be encompassed in your Bill through amendment, would you be willing to remove from your Bill the five-year criminal conviction bar?

Mr Allister: Five years is a high bar, not a low bar. It is twice as high as that in the Rehabilitation of Offenders (Northern Ireland) Order 1978, which sets the bar at 30 months for spent convictions. To hollow that out of the Bill would be to leave you with a mere shell of a Bill and one that means very little. That is an important benchmark. It is not saying to anyone and everyone who was ever convicted of anything that they cannot hold these posts.

There are people who, in their youth, did foolish things and were convicted, but, in the main, that was reflected in the sentence that they got, and it probably was less than a five-year sentence because of their youthfulness, stupidity and everything else. It is not targeted at them but at the hardened criminal who committed a hardened criminal act and who, in consequence, gets an appropriate sentence. It is saying to him or to her that, because of the sensitivity, public profile and all of that that attaches to the very special position of special adviser, they will not be eligible for that post. They are eligible for anything else, but not that post, not least because of everything that happened heretofore. That seems to me to be rational and fair, just as it is fair and rational to say to people who have been convicted of a child-molesting offence that they are not eligible for a job working with children. It is also right to say to people that, given that they have a serious criminal conviction, they will not be eligible for the post of special adviser. I repeat myself, but I think that it is unconscionable that they should be eligible.

Mr D Bradley: You said that this is not a blanket ban and that it does not apply across the breadth of the Civil Service. You said, in fact, that the Bill is quite sharply focused on a small group of people. If you believe — I know that you do — that your purpose here is to protect the feelings of victims, surely there are lower posts than that of special adviser and, perhaps, higher posts that are still potentially achievable by such people. You are ignoring the feelings of victims who have been affected in those instances.

Mr Allister: I can do nothing about the higher post of Minister because that is not within the competence of the Assembly. That involves amendment of the 1998 Act, which is the responsibility of Westminster.

Mr D Bradley: I was thinking more about posts in the Civil Service.

Mr Allister: If you are suggesting that the Bill should be wider, I am prepared to listen to that. My focus was to keep it on the mischief that had been identified, which was the position of special adviser. I know that people who hold other posts, including ministerial posts, and who have criminal convictions causes grief to victims. If I could do something about that, I would, but sadly that is not within the competence of the Assembly or the Bill. I can address only what is within the competence of the Bill.

I will go back to your point about victims. When you talk about implementing the Minister's guidance, you must remember that regard for the feelings of victims is absent from that guidance. If anything has come out of these evidence sessions, it is that we have identified the fact that there is no mechanism to take into account the views of victims. The guidance is deficient in that regard.

Mr D Bradley: Mr Baker made that clear in his evidence this morning. That is rather disappointing, but it is not to say that the Minister's guidance has to remain like that for ever. It can be changed, amended and improved.

Mr Allister: It can be changed or amended at the whim of any Minister at any time, if it is only guidance.

Mr D Bradley: Not if it is built into legislation.

Mr Allister: Sorry?

Mr D Bradley: Less so if it is built into legislation.

Mr Allister: Any legislation requires the process of legislative amendment to change it, yes.

Mr D Bradley: Thank you very much.

Mr Girvan: Thank you for coming along. I welcome many of the points that have been raised in the Bill. I want to ask about the five-year tariff. How was it identified that five years would be acceptable? Why was it not set at four, three or eight years?

Mr Allister: It could have been set at those levels. There is nothing magical about five years. I chose five years because of my experience in the courts. A five-year sentence can be handed down for what could be deemed a pretty serious offence. I was also mindful that many young people got sucked into situations that, had they been a few years older, they would have had the wit to keep out of, but they ended up with criminal records. In the main, however, because of their youth, they did not get a sentence exceeding five years. Therefore, it seemed to me that five years struck a realistic and appropriate balance.

I did consider and could have gone for the 30-month period, which is in the Rehabilitation of Offenders (Northern Ireland) Order 1978. I am not wedded to five years. If the Committee thinks that five years is the wrong starting point and that it should be higher or lower, I am open to that, but five years seemed to me, from my experience, to epitomise some serious offending. That is why it was chosen.

Mr Girvan: Dominic spoke about other Civil Service positions and senior positions in the Civil Service, and the fact that we are dealing with a political appointment rather than going through the full rigours of a Civil Service appointment process. I understand the total difference between that system and a political party deciding who it wants to be a special adviser, whether qualified or not. The fact is that the guidance used by the ordinary Civil Service can be and has been set aside, and it is important that a statutory process be put in place.

Mr Allister: It is important to remember that great violence has already been done to the normal concept of recruitment, in that the merit principle has been totally set aside in the appointment of special advisers. I am not trying to undo that, despite my many reservations about it. That is because I have to recognise that they are political appointments. I notice that the Equality Commission made some adverse comments about that aspect of the appointment process, and I empathise with it. I am saying that it is bad enough that people are appointed without regard to the merit principle, but that is compounded by their being so unmeritorious for appointment because of a serious criminal conviction in the eyes of their victims and of wider society. We can and should do something about that, which is what the Bill seeks to do.

The world will not be perfect regarding the appointment process for special advisers. It will remain a cloistered situation in which, without regard to qualifications or anything else, Ministers can pick whom they choose. However, at least they should not be able to pick someone whose criminal offence credentials fly in the face of what the public would find conscionable. The Bill will address that issue.

Mr Cree: Most people will understand the genesis of the Bill and how it came about. We have taken a lot of evidence from a wide range of parties, including a significant proportion from the republican community. We have not had a response from the other side of the community. Does that surprise you?

Mr Allister: I generally find that what you call the "other side of the community" — the loyalist side — is often less politically engaged than the republican community, and perhaps it is a spin-off from that. Certainly, you have had a significant response, orchestrated or otherwise, from republican prisoners that was entirely predictable in all its content. However, there seems to have been a dearth of response from the loyalist community. It is hard for me to judge whether that is because of disconnect and disengagement with the process or because they recognise that it is not right to have people in such posts with that sort of background and were perhaps touched by the plight of Ann Travers. The republican paramilitary prisoners' organisations certainly seem to have been untouched by the plight of the Travers family.

Mr Cree: Thank you.

The Chairperson: On that point, Jim, do you have any concern that the Bill may add to that disconnect between loyalist communities and the Assembly in the political process?

Mr Allister: There is no history, nor can I anticipate that any is likely to be created, of ex-prisoners being appointed as special advisers by any unionist Minister. So I do not suppose that they are losing

anything or anticipate losing anything in that regard. Sadly, however, Sinn Féin's approach has been, as it appears to many, the deliberate choosing of people with such backgrounds.

The Chairperson: Thank you very much, Jim.

Mr Allister: Thank you. I will write to you with my considered views on the OLC amendments if that is acceptable. Could I have some guidance as to when you would need that?

The Committee Clerk: The next meeting is on 9 January 2013.

Mr Allister: You will have it before that date.