



Northern Ireland
Assembly

COMMITTEE FOR
HEALTH, SOCIAL SERVICES AND
PUBLIC SAFETY

OFFICIAL REPORT
(Hansard)

**Autism Bill: Formal Clause-by-Clause
Consideration**

27 January 2011

NORTHERN IRELAND ASSEMBLY

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HEALTH, SOCIAL SERVICES
AND PUBLIC SAFETY**

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Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)
Mrs Michelle O'Neill (Deputy Chairperson)
Mr Mickey Brady
Mr Pól Callaghan
Dr Kieran Deeny
Mr Alex Easton
Mr Tommy Gallagher
Mr Sam Gardiner
Mr Paul Girvan
Mr John McCallister
Ms Sue Ramsey

The Chairperson (Mr Wells):

We move now to the clause-by-clause consideration of the Autism Bill. I draw members' attention to a letter that has just been received from Dominic Bradley stating that he intends to withdraw clause 3(5). Subsection (5), which deals with training for public/civil servants, will no longer stand part of the Bill. Well done to colleagues who managed to contact Dominic and get that document.

This is the formal stage and is a bit wooden. Those who went through the process for the

previous Bills on sunbeds and the safeguarding board will know what to expect. It must be done; it is an essential part of the Committee's duties and is required for the preparation of the Committee report. Therefore, please bear with me as I go through the rather legalistic process. I emphasise that today is the final opportunity for members to propose amendments.

Mr McCallister:

It is the final opportunity for the Committee to do so.

The Chairperson:

Yes. Individual members may still propose amendments after today. However, as I often say, members have sat through the entire Committee Stage, and I would not like us to be ambushed by late amendments. I will put the Question formally on each clause, and we are required to vote on whether we are: content with the clause as drafted; content with the clause as drafted, subject to the amendment proposed by the sponsor; or not content and wish to amend the clause. Members should note that, if they are proposing a Committee amendment, they must have the text of that amendment with them today.

Clause 1 (Amendment to the Disability Discrimination Act 1995 (c. 50))

The Chairperson:

Clause 1 amends the Disability Discrimination Act (DDA) 1995 in two parts, first, through clause 1(2), which amends the definition of disability in the Act. However, Dominic Bradley MLA has tabled an amendment to leave out clause 1(2). Bearing that in mind, clause 1(3) will amend the DDA by extending the definition of the normal day-to-day activities in schedule 1, so that a condition that has a substantial and long-term adverse effect on someone's ability to take part in "normal social interaction" or to form "social relationships" can constitute a disability. Mr Bradley does not propose any amendment to clause 1(3). At the informal stage, the Committee indicated that it was generally content with the clause and Mr Bradley's proposed amendment. This is the last opportunity to discuss clause 1. Does anyone have any concerns?

Mr McCallister:

We have concerns and will abstain.

The Chairperson:

Do you want that to be noted? Folks, everyone was agreed on the Safeguarding Board Bill, but

this is a little more difficult. Do you want to vote formally on each clause? Do you want the vote to be recorded?

Mr Easton:

I want a recorded vote, please.

The Chairperson:

OK. Are members happy with that?

Members indicated assent.

The Chairperson:

OK. We will record each vote.

Question put, That the Committee is content with the clause as drafted, subject to the proposed amendment agreed with the sponsor of the Bill.

The Committee divided: Ayes 6; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill.

Question accordingly agreed to.

Clause 1, subject to the proposed amendment agreed with the sponsor of the Bill, agreed to.

Clause 2 (Autism strategy)

The Chairperson:

Clause 2 requires the Department to prepare and publish a strategy on autism within two years of the passing of the Act and following consultation with other Northern Ireland Departments. All Departments in the Executive are placed under an obligation to implement any part of the strategy for which they are responsible. I remind members that, this morning, you were generally content with the clause. This is the last opportunity to discuss it. Does anyone have any concerns?

Mr McCallister:

I have nothing to add to what I said about abstaining.

Question put, That the Committee is content with the clause as drafted.

The Committee divided: Ayes 6; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill.

Question accordingly agreed to.

Clause 2 agreed to.

Clause 3 (Content of the autism strategy)

The Chairperson:

I remind members that the Committee indicated that it was generally content with the clause and the commitment from Mr Bradley to propose an amendment in relation to the term “Civil Service” in clause 3(5). Of course, there is now an amendment to remove clause 3(5). This is the last opportunity to discuss the clause. Does anyone have any concerns?

Mr Girvan:

Chair, is it right to say that we are voting on clause 3 with the exclusion of subsection (5)?

The Chairperson:

Yes. I will put the Question that the Committee is content with the clause as drafted, subject to the amendment, which is the deletion of clause 3(5), proposed by the sponsor. Take it as read that you would be agreeing to the clause without subsection (5). If you are not happy with Dominic’s amendment, you would not vote for the clause.

Question put, That the Committee is content with the clause as drafted, subject to the proposed amendment agreed with the sponsor of the Bill.

The Committee divided: Ayes 7; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill, Ms S Ramsey.

Question accordingly agreed to.

Clause 3, subject to the proposed amendment agreed with the sponsor of the Bill, agreed to.

Clause 4 (Interpretation)

The Chairperson:

This clause defines a number of terms used throughout the Bill. Again, members indicated that they were generally content with the clause. This is your last opportunity to discuss this clause.

Does anyone have any concerns? This was not as contentious.

Question put, That the Committee is content with the clause as drafted.

The Committee divided: Ayes 7; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill, Ms S Ramsey.

Question accordingly agreed to.

Clause 4 agreed to.

Clause 5 (Regulations and orders made under this Act)

The Chairperson:

We are getting down to the nitty-gritty of the technical clauses now, folks. This clause contains provision for the required procedures for making subordinate legislation under the Act. Again, members indicated that they were generally content with the clause. This is the last opportunity to discuss the clause. Does anyone have any concerns?

Question put, That the Committee is content with the clause as drafted.

The Committee divided: Ayes 7; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill, Ms S Ramsey.

Question accordingly agreed to.

Clause 5 agreed to.

Ms S Ramsey:

Gerry Adams would fit in nicely with the three of you who are abstaining.

Clause 6 (Commencement)

The Chairperson:

This clause provides for the Bill to come into operation three months after the date on which it receives Royal Assent. I know that there is a great deal of enthusiasm for that.

Ms S Ramsey:

You never know — the revolution.

The Chairperson:

What would the Baron of Northstead say about this?

Mr McCallister:

I am sure that he will be able to sign it.

Ms S Ramsey:

You would need to ask him, because he received an apology.

The Chairperson:

I am sure that he is now up at that level. I remind members that the Committee was generally content with the clause. This is your last opportunity to discuss this clause. Does anyone have any concerns about Her Majesty's signing this off?

Mr Girvan:

The Bill might fall on that one.

Mr Callaghan:

Chair, just out of curiosity, the draft in front of me states:

“the day on which it was passed.”

That is a different text to the one that you read out.

The Chairperson:

All Assembly Bills go for Royal Assent.

Mr Callaghan:

I accept that.

The Chairperson:

You have probably raised an eyebrow or two by saying that.

Mr Callaghan:

Rather, I acknowledge that.

[Laughter.]

The Chairperson:

All Assembly Bills that I have dealt with include that phrase. I know that that phrase causes a difficulty for some people, and I understand what you are trying to say, but it is included each and every time. Therefore, we just have to accept it.

Mr Brady:

Can we put down a question for urgent oral answer asking whether The Queen does, in fact, read all these Bills?

The Chairperson:

I am certain that she will read the Bill and the Assembly report.

Mr Brady:

I will take your word for it.

Ms S Ramsey:

She will read them in between watching 'Shameless'.

The Chairperson:

Let us return to some sense of seriousness, because it is a very serious issue. It is entirely my fault that this meeting has gone downhill.

Question put, That the Committee is content with the clause as drafted.

The Committee divided: Ayes 7; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill, Ms S Ramsey.

Question accordingly agreed to.

Clause 6 agreed to.

The Chairperson:

That is our knighthoods down the drain.

Clause 7 (Short title)

The Chairperson:

This clause provides for the short title of the Bill. Again, there was absolutely no concern, apart from the one issue about the date, but I am sure that that will be sorted out. I remind members that they indicated that they were generally content with the clause.

Question put, That the Committee is content with the clause as drafted.

The Committee divided: Ayes 7; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill, Ms S Ramsey.

Question accordingly agreed to.

Clause 7 agreed to.

Long title

The Chairperson:

Again, there were no issues with this.

Question put, That the Committee is content with the long title of the Bill as drafted.

The Committee divided: Ayes 7; Noes 0.

AYES

Mr Brady, Mr Callaghan, Mr Easton, Mr Gallagher, Mr Girvan, Mrs O'Neill, Ms S Ramsey.

Question accordingly agreed to.

Long title agreed to.

The Chairperson:

Kieran, we are not sure how you voted on the long title. You voted for the short title, but we do not know how you voted on the long title. There is, obviously, a deep split in the Kieran Deeny party.

Dr Deeny:

I am sorry. I just came in late, and I am not really up to speed.

The Chairperson:

In that case, it would be better to join with those who abstained.

Dr Deeny:

On both?

The Chairperson:

Yes. It will not make any difference. That, folks, is the end of this stage of the deliberation on the Bill. There will be a Committee report, and the further stages will take place on the Floor of the House. Thank you for your help.