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

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Northern Ireland Assembly

Monday 20 May 2013

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

Members observed two minutes' silence.

Matter of the Day

Graeme McDowell: World Match Play Golf Success

Mr Speaker: Mr Gregory Campbell has been given leave to make a statement on Graeme McDowell's World Match Play Championship golf success, which fulfils the criteria set out in Standing Order 24.

If other Members wish to be called, they should rise in their place and continue to do so. All Members will have up to three minutes to speak on the matter. As normal, I remind Members that I will not take any points of order on this or any other matter until the matter of the day has been dealt with.

Mr Campbell: I felt it fitting and appropriate, given the scale of Graeme McDowell's success in winning the World Match Play Championship, to ask for a matter of the day.

We cannot overestimate the scale of the success that Northern Ireland golfers have achieved in recent years. When we look at the illustrious list of previous winners of the World Match Play Championship, we read of people such as Jack Nicklaus, Gary Player, Seve Ballesteros, Greg Norman, Nick Faldo and Ernie Els. Those are golfing greats — many were legends in their own time — and Graeme McDowell has now joined that illustrious list.

The key factor here is simply that we now have three outstanding golfers. Golf is an internationally recognised sport that is followed by millions around the globe, and Northern Ireland — a very small country — has three of the most outstanding golfers in 2013. They are, of course, Graeme McDowell, or G-Mac as he is known in America; Rory McIlroy, the world number two; and Darren Clarke. The statistic that, I think, is the most important one, Mr Speaker — with this, I will close in marking this significant achievement by Graeme — is that, while golfers in the United States of America often believe it to be the home of golf — indeed,

it has some of the finest golf courses in the world — the United States of America has a population of 315 million. Northern Ireland has a population of 1.8 million, yet we have three of the greatest golfers in the world. That tells you what you need to know about the golfing prowess of Northern Ireland. That is why it was so important to get the Irish Open. That is why we hope that the Open will come to Royal Portrush in the coming years, and that is why we should do all that we can to mark achievements such as Graeme McDowell's over the weekend.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Ar son mo pháirtí, ba mhaith liom ár gcomhghairdeas a ghabháil le Graeme as an bhua stairiúil seo. I congratulate Graeme on what was indeed a very historic victory in the Volvo World Match Play Championship. He came so close last year, as runner-up, and it is no mean achievement for him. He said so this morning on breakfast television, when he talked about seeing his name on the trophy along with the most illustrious in golf to have won it since this competition started in 1964. I hope that Graeme's achievement will be an inspiration to other young sportspeople to take up golf or other sports. I pass on my congratulations to Graeme McDowell and to his father, Kenny. If Graeme inspires a new generation of sportspeople, I will be very pleased.

In passing, I just mark another inspirational sportsperson, James O'Kane, who was laid to rest yesterday.

Mr Attwood: Thank you, Mr Speaker, for facilitating and Mr Campbell for raising this matter. I join everybody in congratulating Graeme McDowell on his success over the weekend. That success had been coming for the past year. He came second in this tournament last year and was very close to winning the US Open last year. Therefore, his success in winning a tournament a few weeks back and another at the weekend had been coming for a time.

There is no doubt that this success is timely, because, in and around a year since the Irish Open was played at Royal Portrush, it brings the spotlight back to Irish golf, Irish tourism and to the opportunity of jobs around the tourism product. So, this win is very timely in Graeme McDowell's career and in bringing our minds back to the opportunity that we have around tourism and golf tourism, in particular.

Although Tiger Woods is currently world number one — not for long, I suspect — it is also now the case that, given his recent successes, Graeme McDowell is, with Tiger Woods, one of the two best players in the world of golf at this time. That is the significance of the achievement of Graeme McDowell in recent weeks. He has raced up the world rankings and is now number seven. He and Woods, in this period of golf, are clearly the two standout players in the world. Mindful of Rory McIlroy being number two, that is the measure of Graeme McDowell's achievements and the measure of golf's achievements in this part of the world.

Mr McGimpsey: I join in the congratulations to Graeme McDowell. On a personal level his is a stupendous achievement and reflection on Northern Ireland, where we have a golfer who is achieving at the heights of the world game. A look at our roll of golfers — Graeme McDowell, McIlroy, Hoey, Maybin and Darren Clarke and others coming through — shows the huge range of talent in this country.

Around 12 years ago, when I was the Minister of Culture, Arts and Leisure, I opened a youth games in Belfast. As I was going around meeting contestants in a full range of games, a coach came over to me and said, "Look, I have a group of young golfers that I would like you to meet". He wanted me to get my photograph taken with them. He said, "You will think I am exaggerating, but among this group of golfers there are future world champions and greats of the game". He was not exaggerating, and the achievements of that group of golfers — there are more than the ones I have named coming through — have been huge. Graeme McDowell has done exactly what that coach said. He is a world champion, on top of winning the US Open, which is one of the key majors. That is a fabulous achievement for him, and it is a tremendous achievement for Northern Ireland.

Mr Lunn: I join others in congratulating Graeme McDowell on yet another fantastic win. That particular tournament is a hard one to win; it is a match play tournament with two rounds every day, as far as I could see, which is pretty hard. Graeme is, by now, a hardened professional,

and he will take everything in his stride. It is nice to see a bit of emphasis on him rather than on Rory McIlroy all the time. We are very lucky to have both of them representing us, but Graeme has a track record that is second to none.

It always surprises me that Northern Ireland golfers do not win more match play events, because they grow up on match play. We can see how well they play in the Ryder Cup. It was only a few years ago that Darren Clarke beat Tiger Woods in the final of a match play world championship in America. Congratulations to all.

Mr Speaker, I know that, if David McClarty had been here, he would, as a friend of the family, have wanted to join in the congratulations. Perhaps we could send him our best wishes at the same time.

Some Members: Hear, hear.

Mr Kinahan: I will be very brief. I also want to add my congratulations to Graeme McDowell, who set a terrific example for all our golfers, particularly with such an incredibly difficult course as Thracian Cliffs. If we think about it, we will remember that that is where Alexander the Great started his world domination. Let us see it going further, and, perhaps, we can have "Graeme the Great" or "G-Mac the Great".

Private Members' Business

Civil Service (Special Advisers) Bill: Further Consideration Stage

Mr Speaker: I call Mr Jim Allister to move the Further Consideration Stage of the Civil Service (Special Advisers) Bill.

Moved. — [Mr Allister.]

Mr Speaker: Members have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list.

There is one group of amendments. The debate will be on amendment Nos 1 to 20, which deal with the removal of the disqualification of existing special advisers with a serious criminal conviction; the replacement of the Civil Service Commissioners with a review panel as the body to determine the eligibility of certain special advisers; changes to the matters to which the panel must have regard; and changes to the commencement provision.

Once the debate is completed, further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. If that is clear, we shall proceed.

Clause 2 (Special advisers: serious criminal convictions)

Mr Speaker: We now come to the single group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 20. Members should note that amendment Nos 3 and 4 are consequential to amendment No 1. Amendment No 3 is also mutually exclusive with amendment No 2.

Amendment Nos 5, 6 and 7 are consequential to amendment No 2 and mutually exclusive with amendment No 4. Amendment Nos 13 to 17 are consequential to amendment No 4, and amendment Nos 18 and 20 are consequential to amendment no 2. I call Mr Allister to move amendment No 1 and address the other amendments in the group.

12.15 pm

Mr Allister: I beg to move amendment No 1:

In page 1, line 13, leave out "Commissioners" and insert "Department of Finance and Personnel".

The following amendments stood on the Marshalled List:

No 2: In page 1, leave out subsections (4) and (5).— [Mr D Bradley.]

No 3: In page 1, line 22, leave out "Commissioners" and insert "Department".— [Mr Allister.]

No 4: In clause 3, page 2, leave out lines 4 to 11 and insert

"(1) This section applies where an appointment, or proposed appointment, of a person as a special adviser is referred to the Department under section 2(2) or (5).

(2) The Department must, within 14 days of the referral, establish a review panel and refer the matter to it.

(3) The review panel must determine whether the person is eligible for appointment as, or to continue to hold appointment as, a special adviser.

(4) The person is only eligible if the review panel is".— [Mr Allister.]

No 5: In clause 3, page 2, line 6, leave out from "or" to end of line 7.— [Mr D Bradley.]

No 6: In clause 3, page 2, line 9, leave out

", or to continue to hold appointment as,".— [Mr D Bradley.]

No 7: In clause 3, page 2, line 11, leave out

", or to continue to hold appointment as,".— [Mr D Bradley.]

No 8: In clause 3, page 2, line 17, leave out from "contrition" to the end of line 18 and insert

"regret for and acknowledgement of, and accepts the gravity and consequences of, the offence to which the serious criminal conviction relates,".— [Mr D Bradley.]

No 9: In clause 3, page 2, line 19, leave out paragraph (b) and insert

"(b) whether the person has demonstrated, where applicable, a commitment to non-violence and exclusively peaceful and democratic means for political change."— [Mr D Bradley.]

No 10: In clause 3, page 2, line 23, at end insert

", in consultation with the Commissioner for Victims and Survivors."— [Mr D Bradley.]

No 11: In clause 3, page 2, line 23, at end insert

"(d) any information which the proposed appointee wishes to submit in writing."— [Mr D Bradley.]

No 12: In clause 3, page 2, line 24, leave out "Commissioners" and insert "Department".— [Mr Allister.]

No 13: In clause 3, page 2, line 26, at end insert

"(5) The Department must—

(a) appoint independent persons to be members of the review panel,

(b) pay those persons such fees, allowances or expenses as appear appropriate,

(c) provide the review panel with staff, accommodation or other facilities as appear appropriate.

(6) A review panel may regulate its own procedure.

(7) A review panel only remains in existence for so long as is necessary for it to exercise its functions."— [Mr Allister.]

No 14: In clause 4, page 2, line 28, leave out "the Commissioners" and insert "a review panel".— [Mr Allister.]

No 15: In clause 4, page 2, line 32, leave out "Commissioners" and insert "review panel".— [Mr Allister.]

No 16: In clause 4, page 2, line 34, leave out "Commissioners" and insert "review panel".— [Mr Allister.]

No 17: In clause 10, page 4, leave out lines 28 and 29.— [Mr Allister.]

No 18: In clause 11, page 4, leave out clause 11.— [Mr D Bradley.]

No 19: In clause 12, page 5, line 2, leave out "Sections 2(5), 3, 7, 8" and insert

"Sections 1, 2(5), 3, 4, 5, 7, 8, 9".— [Mr Allister.]

No 20: In the schedule, page 6, leave out the schedule.— [Mr D Bradley.]

Mr Allister: I propose to speak to amendment No 1 and the further amendments in my name that flow from it. I will also speak on the amendments in this group tabled by others.

Members will recall that, when the Further Consideration Stage of the Bill was listed on an earlier occasion, I did not move it. An issue had arisen touching on the Secretary of State's consent by virtue of the fact that, at Consideration Stage, there had been inserted into the Bill a role for the Civil Service Commissioners, whose functions, of course, are a reserved matter. Therefore, to see through that function would have required the Secretary of State's consent at a stage before Final Stage. By virtue of issues about that being raised just in advance of the previous Further Consideration Stage, it was not moved on that occasion.

Since then, there has been considerable toing and froing on the issue. As sponsor of the Bill, I have arrived at the situation that, whereas my preference has been that the Civil Service Commissioners should be the body to perform the role anticipated in clause 3, in that it seems to be the natural home for that sort of function, because it has not been possible to get the degree of clarity that I would have wished to have at this stage on the issue of the Secretary of State's consent, I will be moving amendments — beginning at amendment No 1 — that substitute the role accorded to the Civil Service Commissioners with an independent panel appointed by the Department of Finance and Personnel (DFP). I am somewhat torn in this, in that a large part of me does not want to let either the Civil Service Commissioners or the Secretary of State off the hook on this matter. However, I am faced with a situation where, to move the Bill forward, decisions have to be made, and that is the decision that is being suggested to the House.

I might say that I was not impressed with the extent to which the Civil Service Commissioners thought that they could take it upon themselves to determine what functions they should have. I would have thought that that decision is a matter for legislatures and that it is not for a body having functions bestowed on it to say whether it thinks that it is right that it

should or should not have those functions. Indeed, I think that, in taking that stand, they somewhat politicised their own role. It is also somewhat regrettable that there was not a definitive answer from the NIO on how it would handle that situation.

Faced with all that, one has moved on to the proposition of the amendments that appear in my name. The substance of those amendments is quite straightforward. It is that the role hitherto anticipated for the Civil Service Commissioners in clause 3 should now be performed by an independent panel appointed by DFP. That is to say that, if there is an applicant for the position of special adviser or a person holding the position of special adviser who has a serious criminal conviction — one that has carried for them a sentence in excess of five years — that person would have the right to make a special case to a panel, where the presumption, I respectfully suggest, given how clause 3 is worded, would still be against appointment. However, if that person could show special circumstances, according to stipulated criteria, it would be for the panel to decide whether they could be appointed or, if already appointed, could continue to hold their position. That role, hitherto anticipated for the Civil Service Commissioners, will now fall to an independent panel appointed by the Department of Finance and Personnel, which seems to be the appropriate Department in that regard. Therefore, all my amendments are related to that proposition and the consequences that flow from it, because there are many places in the Bill where the word "Commissioners" has to be replaced with "Department".

Amendment No 1, however, is not just a paving amendment; it is crucial to all my amendments. Without it, all the rest would fall, apart from amendment Nos 12 and 19, because they come as a package. I make that plain to the House.

I will now deal with the other amendments, which have been tabled by the SDLP. I am disappointed by the SDLP amendments. They seek to hollow out key parts of the Bill and water down criteria to the point where they are largely meaningless for any appeal to the independent panel.

In amendment No 2, the SDLP seeks to exempt from the ambit of the Bill sitting SpAds. In other words, it seeks to make a distinction between a serious criminal, as defined by the Bill, who applies to be a SpAd and a serious criminal, as defined by the Bill, who already is a SpAd. It seeks to suggest that we should have a special

dispensation for serious criminals who are already SpAds but not for those who are applying to be SpAds. That seems to be incongruous and wrong.

We must remember the genesis of the Bill. It was initiated in consequence of the gross appointment of Mary McArdle as a SpAd by the Culture, Arts and Leisure Minister and the furore that that rightly created from the victim's family. A courageous stand was taken, in particular by Ann Travers. It would surely be the ultimate irony to process and pass a Bill of that genesis that did not deal with that situation, so that, if Mary McArdle had stayed in post, the Bill would not even have applied to her. If, between now and the Bill obtaining Royal Assent and becoming operative, she were, by one means or another, to be reappointed, this Bill, if the SDLP had its way, would not apply to her. That is incongruous and wrong.

There is no justification for seeking to distinguish between the sitting SpAd and the incoming SpAd if both have the qualifying criminal conviction that makes them someone who is carrying a serious criminal conviction. That distinction is unwarranted. So, that first batch of SDLP amendments, which would rob the Bill of that key component, are not worthy of support.

I hear people saying, "This is to deal with the retrospective element of the Bill". There is no retrospective aspect to the legislation. It is prospective and says that, from a point in time, there are certain qualifications needed to be a special adviser. It then says that, if you presently hold that position and fail to meet those qualifications because you have a serious criminal conviction, there are compensatory provisions available to you through clause 11 and the schedule, whereby you are compensated for the loss of your post, if that is the outworking of the arrangements.

I remind the House that the posts come with no security of tenure. A special adviser is appointed at the whim and stays in office only at the whim of a Minister. The posts come with no security of tenure whatsoever, so such threat to their tenancy of that position as the Bill poses is in a context of constant threat to their very existence in that post. I am perfectly satisfied and, indeed, everyone, as I recall, who gave evidence to the Committee on this point was satisfied that the compensatory arrangements were sufficient to judge-proof the Bill in regard to what people loosely call its retrospective elements. Therefore, there is no good reason, I respectfully submit, to follow the SDLP amendments on that point and very good

reason not to follow them in order to maintain the consistency, intent and continuity of the Bill. It should, I suggest, extend to anyone aspiring to hold or actually holding the position of special adviser. It would be better to resist the hollowing-out of the Bill that SDLP amendment Nos 2, 5, 6, 7, 18 and 20 would indisputably secure.

I will move to the other SDLP amendments.
Amendment Nos 8 to 11 —

Mr Attwood: Will the Member give way?

Mr Allister: Yes.

Mr Attwood: You said that no evidence was given to the Committee that did violence to the argument that you outlined on retrospectivity. Could you then advise the House why no less a person than the Attorney General (AG), in his evidence to the Committee on 19 September 2012 — whether you want to take his advice or otherwise — made it very clear that there were issues with retrospectivity and, in particular, article 7 of the convention? How do you reconcile, on the one hand, informing the House that no evidence was given to the Committee that did violence to your view on the retrospective nature or otherwise of your Bill and, on the other hand, the Attorney General's evidence to the Committee?

Mr Allister: The Attorney General was speaking to a very different matter: he was speaking to the compatibility of the Bill with article 7 of the European Convention on Human Rights. He was seeking to suggest that it might be the situation that, because a penalty was involved in consequence of the Bill, it could be interpreted as a criminal penalty that did not exist when the person was sentenced and that article 7 prohibits retrospective criminal penalties. In other words, if you are convicted of an offence today and the sentence today is five years but, when you committed the offence, the sentence was three years, the maximum to which you could be sentenced is three years because you cannot have a retrospective element to the sentence; it is about what pertains at the time. The Attorney General suggested that the penalty could be interpreted as a criminal penalty. I take issue with him over that. Professor Brice Dickson and others who gave evidence took issue with that, but the Attorney General went on to say that, if there were a provision that provided an appeal mechanism, it would considerably dissipate concerns.

12.30 pm

The Attorney General gave that evidence before clause 3 existed. Clause 3 was brought in to show some deference to the points that had made in that regard and as, in shorthand, an appeal mechanism, which was not in the Bill originally. So, when the Attorney General raised his points about article 7 and couched them in the way that he did, it was a different Bill, so to speak. The Bill now has an appeal mechanism, which means that individuals who find themselves disadvantaged not only have compensation for the disadvantage but, before they get to compensation, have the right to plead their case on exceptional circumstances to, it is now suggested, a panel. That is a very different picture to the one that the Attorney General was dealing with. So, I make the point that I am not aware of anyone seriously saying that the application of the Bill to sitting SpAds in the circumstances now anticipated in the Bill should not be considered.

Mr Attwood: Will the Member give way?

Mr Allister: Sure.

Mr Attwood: I thank the Member for his explanation. Hansard will show that the Member, in his opening remarks on the matter, said that nothing was said to the Committee in any evidence to it that would give rise to the issue of retrospectivity. The Member's explanation confirms that, whether you agree with the AG or not — I have had differences with the AG on advice that he may have given in some matters — it is quite clear that the evidence given to the Committee had more dimensions than indicated by the Member. The fact that he then had to reinterpret his opening remarks in light of the new clause 3 on the appeal process to reconcile the AG's evidence in Committee with what is now in the Bill demonstrates that the narrative initially outlined by the Member is not the full picture. The full picture is more accurately conveyed in the comments made in response to my intervention.

Mr Allister: The Member is dealing with a different issue. The Attorney General's focus was on article 7. The issue about appeal mechanisms probably touches more on article 6 and article 8 rights than on article 7. If I recall correctly, the Attorney General said that it would help to ameliorate his concerns if there were an appeal mechanism, as a tangential issue to the article 7 issue. The issue of objections based on article 7 seems to have faded away, and I think that that is right. So, we are left in a situation in which the Bill now affords an appeal mechanism to disappointed

applicants or post holders, and it does so in circumstances in which, subject to listed criteria, they can seek to show the exceptional circumstances that are applicable to them. I am not sure how much more one needs to do, having done all of that, to get to the point at which the SDLP would say that it is happy for the Bill to apply to sitting SpAds. There does not seem to be anything that could be done in that regard, because the SDLP seems to have reached a view that sitting SpAds should be exempt from the Bill. I do not understand the logic of that or how it would be squared with a situation in which, for example, Mary McArdle was still sitting in position, as she might well have been, beyond the control of the SDLP or anyone else in the House other than Sinn Féin. I do not understand how it makes sense to put forward a Bill that would sidestep that issue and not deal with it at all. That is why I think that, in policy terms, it is foolish of the SDLP to try to restrict the ambit of the Bill to aspiring SpAds and not to include sitting SpAds.

I move on to deal with amendment Nos 8 to 11 on criteria, which come from the same quarter. Amendment Nos 8 and 9 in particular seem to be focused on weakening the criteria on which the panel would decide whether exceptional circumstances existed, despite that person having a serious criminal conviction. My starting point is that, since it should be possible only, as the Bill says, in "exceptional circumstances" for someone to circumvent the requirement that they should not have a serious criminal conviction, it follows that the criteria need to be rigorous. If the circumstances are to be exceptional, the criteria need to be rigorous. The criteria in the Bill, on foot of Consideration Stage, are, in shorthand, contrition; having helped to advance the police investigation of the crime; and the view of the victim of that crime. Those three criteria hang together as the testing ground for whether an exception should be made to the presumption against the appointment of a serious criminal to a SpAd post. SDLP amendment Nos 8 and 9 would systematically take the first two of those and water them down. Amendment No 8 wants to replace "contrition" with mere "regret" — not even "remorse", just "regret". My concern is that that amendment, as worded, would be open to the abuse and usage of someone making a bland, meaningless declaration such as "I regret all deaths in the Troubles and acknowledge the grave consequences inflicted on many". That is such a meaningless affirmation that it robs the requirement for remorse, contrition and real regret of any substance.

Most of us in the House probably have children or grandchildren. How many times have we heard the errant child say, "Sorry, mummy"? Is that remorse or real regret, or does it just mean "Sorry I have been caught"? When we are appointing someone to a very highly paid, high-profile, publicly funded post whereby that person will have access to the very top, the very heart of government and to civil servants on a par virtually with Ministers — to the status of a senior civil servant — is it not right that we should have some regard to whether, if that person is a serious criminal by virtue of serious criminal conviction, they have any contrition or remorse for the fact that they put themselves in the position of being a serious criminal?

I remind the House that the Bill does not talk just about terrorist convictions; the Bill is blind to whether it is a terrorist or non-terrorist conviction. The Bill is premised on it being a criminal conviction of whatever sort. Whether it is a rapist, a fraudster or a terrorist who collects a serious criminal conviction, is it too much to say that, before such a person should have the privilege of occupying that high position in our land, they should at least have shown remorse and contrition for the offence that they committed? To go back to the Mary McArdle situation, that was part of the aggravation. There was arrogance in the appointment — deliberate, calculated arrogance to do it because it could be done. According to amendment No 8, all that such a person would have to do would be to say something like, "I regret all the deaths in the Troubles. Some terrible things were done and great anxiety and consequences inflicted on many". I just do not think that that is good enough. That is why I say that contrition, which imports real remorse and shows that someone is genuinely sorry for what they have done, is not too much to ask for the holding of such a position. Does anyone think that the person appointed who gave rise to the Bill has genuine remorse or contrition? Under the SDLP formula, that person, if she came up for reappointment, would have done enough by merely expressing regret. She would have ticked the box. I do not think that that is doing enough.

Mr Attwood: I thank the Member for giving way. I listened very closely to what he said. I think that, if you step back from some of the toing and froing around the Bill, the SDLP amendment captures everything that should be captured.

I will make these points by way of intervention. First, I hope that no SpAd thinks that they are on a par with a Minister. If there is a SpAd who thinks that they are on a par with or ahead of

the Minister, I would be very worried for the authority of government. We can have some discussion around all of that.

Our view is that our amendment captures what should be captured. Why? Because it captures the word "regret", it captures the word "acknowledgement" and it captures the concept of the "gravity" and "consequences" of the offence. I put it to the Member that, taken together, those four terms are greater than the term "contrition". Why? Because "regret" in the English dictionary means a feeling of contrition, and you can check that. That is what is captured by "regret" — a feeling of contrition. It goes further than "contrition" in itself. I put it to the Member that, rather than missing the wood for the trees, he should acknowledge that the words in the SDLP amendment go further in standing with victims and survivors than the words in the Bill. Therefore, before a vote is taken today, the Member should acknowledge and embrace all of that, stand with the victims and survivors by going beyond "contrition" and using the words "regret", "acknowledgment", "gravity" and "consequences".

Mr Allister: I wish that it were so. I wish that a mere intonation of regret equated to contrition. It is clear — I return to this point — that the boxes of amendment No 8 could be readily ticked by someone saying, "I regret all the deaths of the Troubles. I accept the gravity and the consequences of all those deaths". That would be sufficient to tick the box for the SDLP.

Mr Attwood: Will the Member give way?

Mr Allister: I will in a moment.

I respectfully suggest that those are the sort of weasel words that we have all heard time without number that, in truth and in essence, mean nothing. The generalisation and branding of the equality of criminality where you say, "I regret all the deaths of the Troubles and the consequences that they created" would tick the SDLP box.

However, that person has come nowhere close to showing contrition that is personal to them and personal to what they did. That comes nowhere close to showing genuine remorse that they ever picked up the weapon, planted the Semtex, pulled the trigger or did whatever they did. To simply brand it in a globalised way, as the SDLP amendment would permit, is falling far short and therefore it is not right to say that this amendment would do more for victims than clause 3 presently does. It patently does not. I think that the Member knows that victims who

have been in touch with his party take that view and he knows that victims see what the SDLP is seeking to do as a watering down of contrition.

Mr Attwood: Will the Member give way?

Mr Allister: Yes, I will give way.

12.45 pm

Mr Attwood: If the words on the page were what Mr Allister has just outlined, namely that the SDLP amendment is, to borrow his phrase, "a globalised way"; that it is a catch-all of regret in respect of any and all of the terror and state violence that was part of the history of this country for 40 years, then his point would be a valid one. However, the SDLP amendment borrows the words used in Mr Allister's Bill. Clause 3 (3)(a) in Mr Allister's Bill states:

"whether the person has shown contrition for the offence to which the serious criminal conviction relates".

The SDLP amendment to that clause repeats the words:

"the offence to which the serious criminal conviction relates".

It is not a globalised reference; it is very specific reference to the specific serious criminal offence of which the SpAd was previously convicted. Do not pretend to the House, Mr Allister, that our clause in any way diminishes and reduces the words of regret to something that is global. It is in the particular. I invite Mr Allister to correct his misunderstanding of that particular clause and to respond further as to why regret, acknowledgement, gravity and consequences move beyond the narrow terms of contrition and captures all that this House should try to capture in order to stand with those who suffered from terror and state violence.

Mr Allister: Let me return to the Member. If an aspiring SpAd were to say, in the context of the many terrible things that happened during the Troubles that were wrong, that in that context, they regret, acknowledge and accept the gravity and consequences of what they did, has that person ticked the SDLP box? It seems to me the person has done so by burying it in a generalised excusatory presentation that goes nowhere near touching the personal contrition that the Bill looks for.

Mr Weir: I thank the Member for giving way. Does he agree that one difference between regret and contrition is that contrition has to be something personal that is involved in one's own actions, and that regret can be generalised in the nature of the overall situation or it can be personal where it can be widely drawn? For example, I have never committed a murder, and I would say I regret all the murders of the Troubles — and I can legitimately say that — but I cannot say that I have contrition because I did not commit them. Therefore, if someone was to make a bland generalisation saying that they regretted all the deaths of the Troubles, that would by definition include the offence that is being referred to but shows no indication of personal remorse or contrition. That lies at the heart of the distinction between the two words.

Mr Wells: Will the Member give way?

Mr Allister: If I could deal with this point first. I agree with the Member, and I think he has put his finger on it. To simply say "regret" in the expedience of the moment that requires an expression of regret, means that the box can be ticked. Contrition is much deeper and much more personal. If someone is contrite, you would expect third parties to be able to say that, for years, that person has been in deep remorse, what that person did has been burning them up, and they can testify to the fact that the person is contrite about the matter. That is very different from a situation in which someone applies for a job, and they tick a box that states "I regret" in the context that is being expounded.

Mr Wells: Does the Member accept that older Members of the House who lived through the entire period of the Troubles saw, night after night, Sinn Féin representatives on TV and radio saying that they regretted all deaths but then were apologists for further murders, bombings and acts of terrorism? They ticked the SDLP box: they had regret for everything, but it was utterly meaningless because they continued to support rampant terrorism for 40 years.

Mr Allister: The Member's point is well made. The issue is the sincerity that can be teased out of the remorse, regret and contrition of the aspiring or sitting SpAd. I think that contrition imports a necessity for remorse that is personalised and demonstrable. It is not a creation of the moment; it is something real and abiding.

The problem with the SDLP amendment is that it is a box-ticking exercise that can be carried out,

personal to the offence, but in a context that all crime is wrong. That sanitising context robs it of its essence. The SDLP amendment would have been better had it used the word "remorse" rather than "regret". I think that it has gone to the bottom end to find the language of the situation, and it falls well short of what one would look for when appointing someone to such a position.

I will move on to amendment No 9, which seeks to replace the important and testing requirement that all reasonable steps should have been taken to assist or advance a police investigation. It seeks to substitute a mere commitment to non-violence. That is a box of easy believism. It is a box easily ticked that someone is committed to non-violence. Never mind that, 10 or 20 years ago, they committed a most vile, vicious, vindictive, murderous attack. Today, they are committed to non-violence, and we are expected to say, "That is all right, then. Come in and hold one of the highest offices in administration as a special adviser."

Remember that this Bill is about affording to victims something real, tangible and meaningful. It is about demonstrating to them that they matter in this society, and that what was done to them matters in this society. That is why, when we talk about someone being remorseful, regretful and contrite about what happened, you would expect that there would be the follow-through of having tangibly done something about it, instead of a situation where someone can pick up a gun after a murder, be convicted of that, and never help the police to solve who gave them the gun, what they knew about it in advance, or any of that.

Yet that person, be it Mary McArdle or someone else, could tick that second SDLP box and say, "I now abhor all violence". How is that helping the victim they left, who feels that it was the actions of that person that robbed them of their sister, father, brother or whoever? That is not helping at all. In fact, it is rubbing salt into the wound by making that so easy.

Mr Wilson: I thank the Member for giving way. He makes a powerful point on this.

Let us consider this amendment along with the previous amendment. We could accept the previous amendment and interpret "regret" in the generous way that Mr Attwood did in his intervention but we would then rob that regret of any specific action that might have proved it. The two amendments together indicate that almost anyone could pass the test. Whether it is the SDLP's intention or not, if the two amendments go through, that is how they will

be interpreted. We saw the great wrong that was done when Mary McArdle was appointed. The Assembly is not really prepared to deal with that if the threshold for accepting someone into the role of special adviser is as low as those two amendments together present.

Mr Allister: The Minister is absolutely right: the criteria hang together. There is a natural flow to them: contrition, helping to advance the police prosecution and persuading the victims that it is appropriate that the person should be appointed. Inserting into the middle of that something as meaningless as an affirmation now of belief in non-violence neither informs the regret nor positions the victims where they can feel at ease with that appointment. So, amendment No 9 significantly hollows out that key issue and leaves the Bill meaningless in terms of the hurdles that have to be crossed by the aspiring SpAd.

It is interesting that amendment No 9 from the SDLP has no expectation of the non-terrorist criminal — the fraudster who may have been convicted and given five years for fraud. He does not have to do anything under the SDLP's proposed paragraph (b), nothing whatsoever. He just gets a bye ball in terms of having helped anyone with anything in the investigation or showing any adherence to non-criminality. The only thing that he has to declare under SDLP amendment No 9 — it would not be relevant to him — is an abhorrence of violence. So, the non-terrorist criminal is put in an enhanced and better position by the SDLP's amendment No 9.

Amendment Nos 8 and 9 in particular are not worthy of support. The House, after rational, reasonable and prolonged debate at Consideration Stage, accepted the three criteria. I respectfully suggest that now is not the time to water them down and interpose an easy believe-ism into the hurdles. That, of itself, is so incompatible with the starting point of the requirement for exceptional circumstances. You cannot talk in the Bill at the beginning of clause 3 about "exceptional circumstances" and then make the hurdles utterly meaningless.

1.00 pm

Mr Attwood: Will the Member give way?

Mr Allister: Yes.

Mr Attwood: May I first of all acknowledge that, in respect of the amendment to clause 3, page 2, line 17, the Member indicated that, to use his

words, he accepted that our amendment touched on words that were personal to the offence? He had not indicated that previously. In all his other contributions, the Member said that those were globalised words. He has now accepted that the words that we use are personal to the offence. That is a positive development. That is why I think that, if he thinks further about our words instead of the word "contrition", he may think again that they actually move the Bill in a positive way.

The second point is that I am at a loss to understand why the Member believes that amendment No 9 is, to use his word, meaningless. Those are words that all of us have endorsed in political documents and to which, subject to correction, we subscribe when we stand for MLA elections. Subject to correction, we all stand in the middle of the Floor after an MLA election and sign a book in which we commit ourselves to those concepts. So, those words are not meaningless. Indeed, far from being meaningless, they are part of the law of this land and part of the practice in this land. They are words that are valued by everybody in the Chamber, because we suffered for 40 years when those words were not honoured.

My point, however, is that the use of "consequences" in amendment No 8 is a reference to, among other things, the consequences of the offence, namely that there is a legal investigation and that that legal investigation requires co-operation from those who may have information in relation to it. That is why the three paragraphs — (a), (b) and (c) — that we have proposed go further, have much deeper impact and stand more in solidarity with victims and survivors than those outlined in the Bill.

Mr Allister: May I deal with the Member's points? He says that, in fact, amendment No 8, which talks about "consequences", acknowledges that there are legal consequences to regretting your actions. I have to say this to the Member: I would be astounded if any judge interpreting these cold words as they would appear in the statute would for a moment believe that it imposes a duty on the person relying on them to have assisted the police in the solving of the crime. If that is what it means, why take out clause 3(3)(b)? The Member cannot have it both ways. He cannot say, "Paragraph (a) really means you have to help the police, but, not that you'd know it, in case you did, we'll take out paragraph (b)". That is the position that the Member has adopted. I suggest to him that that is beyond credibility.

The Member makes the point that, in amendment No 8, there is a personal relationship to the offence committed. That may be, but, in the globalised context, which he has not disputed, someone could say, "I regret all the deaths of the Troubles. All the criminality of the Troubles was wrong, and, in that context, I have regret for and acknowledgement of etc, etc, my crime". It can be sanitised by putting it in that context. If, however, the requirement is for contrition, there is no wriggle room whatsoever. The problem with the SDLP amendments is that the SDLP wants to maximise the wriggle room, for whatever reason, and, in doing that, it diminishes the respect and rights for the victim.

Mr D Bradley: I thank the Member for giving way. The Member argues that amendment No 8 is globalised, but, in fact, that is far from the case. It is directed purely and solely at the offence that the person has committed, as is the wording of the amendment: "regret for", "acknowledgement" and "accepts the gravity and consequences" of the offence that the person committed. So, rather than the amendment being globalised, our belief is that it is very clearly directed at the individual and the offence that the individual has committed.

Mr Allister: The problem with the Member's contention is this: all those fine words can be ditched and rendered meaningless by the applicant setting them in the globalised context and saying, "I regret all the deaths of the Troubles etc, and, in that context, I have regret for, acknowledgement of and acceptance of the gravity and consequences of the offence of which I was convicted". The fact that it could be done in that way renders it meaningless.

Mr D Bradley: I thank the Member for giving way once again. He makes the point that the proposed appointee can globalise the offences and place his or her offence in that global situation, but it is the job of the adjudicating panel to judge whether a proposed appointee accepts the individuality of his or her offence or is globalising it. I suggest that any member of an adjudicating panel who is worth his or her salt would see through that and would adjudge on that basis.

Mr Allister: If the criterion was personal contrition, there would be no wriggle room whatsoever for an applicant or panel member to try to find a way through. They would require a context that was personalised contrition. Therefore, the opportunity to have regret in a globalised, sanitised context would be removed. Fundamental is this: no matter how much the

SDLP might like to massage those words and say that they mean something that they do not, the reality is that, as drafted, they merely require regret. That can be regret couched in language that utterly undermines any suggestion of remorse, contrition or anything else.

Mr D Bradley: I thank the Member for giving way. He would have to admit that "contrition" has to be interpreted. I realise that "contrition" is a very Catholic word. Perhaps the panel would have to draw on the services of an eminent Catholic theologian to define contrition and decide whether an applicant is contrite. Obviously, the panel will not go to that extent, but the point that I am making is that, at the end of the day, the interpretation of someone's contrition is objective. One person may decide that, yes, that person is fully and totally contrite. Another person might think the total opposite. So, Mr Allister's argument is not as nailed down and firm as he might think. All these things are open to interpretation, and, at the end of the day, all these things are objective.

Mr Allister: I do not accept that Catholicism has a monopoly on contrition. I certainly think that contrition is something that we all can and, in appropriate circumstances, should experience and express. I do not think that it is sectarianised or anything else in its presentation.

The one thing about "contrition" is that it will not admit to a sanitising, globalised context; "regret" will. That is the real weakness in the SDLP amendment: it admits to that sanitising, globalised context of saying, "I am sorry, I regret, because all that happened was wrong". Contrition does not admit that; it admits that it is wrong. They personally know and feel that it is wrong, and they want to express that, no matter what else happened in the wider context, they are contrite for what they did. "Contrite" is an ordinary English word, and the panel will be able to grapple with it. It will know when it is being presented with contrition and when it is being presented with phoney regret. I think that it will know the difference all right.

I return to Mr Attwood's point about amendment No 9, which states:

"whether the person has demonstrated, where applicable, a commitment to non-violence and exclusively peaceful and democratic means for political change".

He said, "That is what we all ascribe to, so what is wrong with that"? I would be so bold as to

suggest that there might be people who subscribe to that in the here and now but have no regret for what they did — none whatsoever. So where does that take us? It certainly does not take us into the realm to which we need to go to show that there is something to match the remorse, as there is in clause 3(3)(b) at the moment, which is delivery by assisting the police or advancing the case. At a stroke, it utterly removes all that expectation and simply says, "All you have to do is repeat the mantra about being committed to non-violence, never mind whether you do or do not regret or feel remorseful for what you did in the past". It is just so easy and so porous that it is useless as a criterion.

Mr Attwood: Will the Member give way?

Mr Allister: Yes.

Mr Attwood: I repeat my earlier point. The Member referred to our clause in respect of a commitment to non-violence as meaningless, and my point was that those words are not meaningless. They have become an article of faith in politics in its most recent history in this part of the world. They are built into law, electoral practice and Assembly practice and, therefore, should not be portrayed as meaningless. If they were, do you know what would happen, Mr Allister? A message would be sent to the people who honour and have worked hard for those words that they did not add up to a puff of smoke. I dispute that and differ from the Member on it. Everybody in the House who holds those words dear should never, ever allow anybody to portray them as meaningless, because they would, therefore, be saying that the achievements on those concepts and practices, which have been struggled for and hard won over the past number of years, have all been somewhat meaningless. You have to dispute that.

Mr Allister: Perhaps what the Member is really trying to convey without saying it, since you go to the genesis of these words, is that, pre-1998, you apply some sort of intellectual amnesty to those who did anything, provided they can now say, "We are committed to non-violence. Whatever happened in the past is OK". That is the problem. Take the Travers case, involving the vicious, vile murder of a young schoolteacher. The expectation would be that all that someone who murdered her would have to say is "I am committed to non-violence. I do not have to help in any way to identify who else was involved or say where the gun came from and where it went. I just happened to be caught with the gun. I was bang to rights on

that, but I am not going to help this family to find out who pulled the trigger to kill their sister. I will not do any of that". In SDLP terms, that is all right. You have an effective amnesty for that because, today, you can say that you are committed to non-violence. That cannot be right.

1.15 pm

Mr Wilson: I thank the Member for giving way. Does he accept that the form of words used here was used by people in the first Assembly who, at the same time, continued to support an organisation that ran guns from America, killed police officers, murdered drug dealers and continued to engage in criminal activity? Although some people may have meant what they said, the words can be used by others and not mean a thing. The important point is that the amendment would remove a condition that goes beyond the words and measures whether those words mean anything in practical terms, namely whether the person was so remorseful and regretful and showed so much contrition for their crime that they helped the police. That is better than some form of words that may be genuine in many cases — in fact, in most cases, they may be said with total sincerity and acted on — but still leave room for people who want to say them just because it is convenient to do so.

Mr Allister: The Member is absolutely right. The person who is genuinely contrite will have no difficulty with these words, but, equally, they will have absolutely no difficulties with the words that they try to replace. The person who is not genuinely contrite and simply mouths words for words' sake will have no difficulty with the amendment's words. They will have difficulty with the words that they try to replace. That is the real litmus test of what the SDLP amendment means. It and amendment No 8 seek to find a way through the protective hedge that is built into the Bill for victims. In that regard, they diminish the rights and expectation of victims. They do the very thing that some victims fear, which is that a nonsense could be made of the Bill.

Mr Attwood: Will the Member give way?

Mr Allister: Yes.

Mr Attwood: The Member says that some people will have greater difficulty using the words in the Bill than the words that we submitted. I do not think that even very recent evidence suggests that. It was only three weeks ago that the leader of a political party on

this island appeared on an RTÉ TV programme and, for the first time, said that the killings carried out by the IRA were murder. For the first time ever, they crossed that Rubicon — I will come back to that — and said that the more than 1,500 killings conducted by the IRA in the history of our conflict, which is more than any other organisation was culpable for, were murder. If the leader of a political party that was said to be close to the IRA can now casually refer to all those killings as murder, you invest in people far too much when you say that it will be harder for them to use your words than those in our amendment. That most recent example very eloquently demonstrates that.

This party worked very hard to derail a previous legislative proposal because it did not live up to the standards of good process, true prosecution, truth and accountability. It was what is known as the on-the-runs legislation, which was worked through by the Blair/Powell Government and the IRA. So do not pretend that, given that we worked so hard to derail legislation that was going to corrupt proper process and make it easy for those who were guilty of grave crimes to avoid full prosecution and punishment, that is what we are at in this case. Far, far from it. We have good authority and good form, whether through the abandonment of that process or through any other truth and accountability process that we think needs to be created, that, if there is evidence, people need to live with the consequences of that evidence, including prosecution.

Lord Morrow: Will Mr Allister give way?

Mr Allister: Yes.

Lord Morrow: I thank Mr Allister for giving way. Mr Attwood made a point about the revelation from the leader of Sinn Féin or the new position that he has taken, where he acknowledges now that the 1,500 deaths were a big mistake that should not have happened. Does Mr Attwood agree that the natural next step is to start talking to the security forces about those who committed those crimes? That would be a very positive way forward. I think that then, and I hope that Mr Attwood agrees, those of us on this side of the House will start to have more confidence when we hear words of condemnation for what happened in the past. Does he agree with that?

Mr Allister: I think that I will have to be the conduit for that intervention. I agree very strongly with Lord Morrow's point.

Mr Attwood says that my contention is that people would find my words in clause 3(3)(b) more difficult than his words, but that is not my contention at all. My clause 3(3)(b) is not words; my clause 3(3)(b) is action. That is the difference. It is a tangible test of the person's remorse, contrition, regret.

The SDLP's proposed new clause 3(3)(b) is mere words — you give an affirmation. As Lord Morrow points out, the real test of the affirmation of Mr Adams or anyone else that something was wrong is what they are going to do it. Are they going to help the police to solve that which was wrong? Or are they just playing with words to say that it was wrong? That is the real test. I am not attacking the SDLP's bona fides at all, but, sadly, its amendments take out of the Bill the tangible test of what the words, whether they are contrition, regret or anything else, might practically mean.

Mr Attwood: I thank the Member for giving way again. It is interesting that, in his last comments, earlier in his comments and previously in other comments, Mr Allister is interchanging the words "regret", "remorse" and "contrition". Indeed, his last contribution was, subject to Hansard, about "regret, contrition or whatever it might be". It seems to me that, in the course of the debate, Mr Allister has not only accepted that there is a personal culpability that falls both in his Bill and our amendment but is now moving to acknowledge that the words "contrition", "regret" and "remorse" are of a family of words, the meaning and ambition of which is always to be the same. In that context, the fact that we use the words "regret", "acknowledgement", "gravity" and "consequences" seems to me to move beyond the words "regret", "remorse" or "contrition".

The Member makes a point about action. After 40 years of denial, the leader of a political party can now refer to 1,500 deaths as murder. In my view, the same word applies to a lot of state killings and killings by other organisations over the past 40 years. If somebody can so casually now rewrite their history by referring to all those deaths as murder, how easy will it be for those people or for others in other organisation to say, "I do not know anything about any other persons connected with the commission of the offence for which I was convicted"? That is the reality. Our amendment captures all other requirements, including the consequences to the individual of their actions in assisting the state.

When you get down to it, all of this gets to the nub of the point. It is that, on the far side of the Bill, unless we have a comprehensive and

ethical way of dealing with past — including the prosecutions that, in my view, should arise in respect of offences in the past — this Bill or this House will be letting down the victims and survivors who look for an ethical and comprehensive truth and accountability process. That is where our tension should primarily be, whilst noting the importance of this piece of legislation.

Mr Speaker: Just before Mr Allister gets to his feet again, I want to make a few points. I know that the debate is flowing extremely well. Mr Allister has also been very generous with his time, and I think that I have counted about 15 interventions that he has taken. However, I am slightly worried that we are going slightly outside the amendments: we are talking about what a party leader might have said on a particular programme and how we should deal with the past.

I hope that Members will realise that I have been fairly fair in allowing the debate to flow extremely well in the Chamber, but I remind Members that they should not totally and absolutely go outside the amendments that we are trying to achieve in the House. However, that is not meant to stifle the flow of debate in any shape, form or fashion.

Mr Allister: Thank you. I want to make two points on Mr Attwood's intervention. He misunderstands clause 3(3)(b) if he thinks that it is just a matter of the applicant making an affirmation that they have helped. I anticipate that proposed new clause 3(3)(b) will impose an expectation on the panel to seek to investigate, through the authorities, how far that person has assisted. So, it is a tangible demonstration and not a subjective affirmation that one is looking for. Secondly, he sought to draw some comfort from the fact that, in the one sentence, I used the words "contrition", "regret" and "remorse". I am sorry to disappoint him. I was always taught that, when you are addressing a jury, you should use language that it understands. I was trying to be as flexible as I could in putting the argument in their terms, so to speak, and in the terms that the Members from the SDLP used. I still hold to the view that "contrition" is the right word for all the reasons that we have discussed. Mr Speaker, you will be glad to hear that I will not be tempted to revisit all of that.

I want to look for a moment at amendment No 10, which the SDLP has tabled. It seeks to add to clause 3(3)(c), which states:

"the views of any victim of the offence, or where a victim has died, the views of any close family member of the victim."

The SDLP wants to add the words:

", in consultation with the Commissioner for Victims and Survivors."

If that wording had been:

"through the offices of the Commissioner for Victims and Survivors",

it would have conveyed to me that the commissioner was to be the conduit for taking the views of victims. However, as it is drafted — "in consultation with" — it is unclear to me whether this is an attempt to introduce a new and additional tier of consultation, whereby the commissioner herself is consulted with, or whether it is wording that is meant to convey that the commissioner would simply be a conduit. If it is an additional tier that might have the capacity, in some way, of undermining what the victims think, I would not be content with it. However, I am interested to hear what SDLP Members will say about that amendment and why they have couched it as they have.

Likewise, amendment No 11 adds a fourth criterion, which is:

"any information which the proposed appointee wishes to submit in writing."

1.30 pm

I have a couple of points to make about that. If the SDLP is unsuccessful in its attempts to exempt sitting SpAds, that addition:

"any information which the proposed appointee wishes to submit in writing" —

would patently not apply to a sitting SpAd, because they are not a "proposed appointee". So the SDLP amendment would introduce into the Bill two levels of criteria: one for the sitting SpAd, who might have fewer rights, according to this SDLP amendment, in the context of other amendments not being successful; and another for the aspiring SpAd, who would have an additional right as a proposed appointee. That is my first point.

My second point is that this amendment would be much more palatable if it were couched as follows:

"any information relevant to (a) to (c) above which the appointee wishes to submit."

By couching it as widely as "any information", it introduces into three — now four — criteria, all of which have to be considered in their totality, a possible open-ended ground of appeal, so to speak. That generality is bad because it does not link itself to the three criteria that obviously hang together: (a), (b) and (c). It is simply a case of, "Well, whatever else you want to rely on, you can rely on it with the same thrust as if it were an (a), (b), (c) point". That is unfortunate because it is unspecific.

On the other hand, if the amendment is simply directed at the ability to submit character references, for example, I do not see anything in clause 3 as presently drafted that would not permit the panel, of its own volition — it has to set its own rules — to determine that it is happy to accept character references. There is nothing in the Bill to prohibit that. To do that is one thing, but to put into the Bill something as open-ended as "any information", without any specificity at all, is not, I think, the road to head down, particularly if it affords itself to only one category of applicant to the panel, namely those who have not yet been appointed. I will be interested to hear what the SDLP has to say about amendment Nos 10 and 11, but they seem questionable in that respect.

I apologise for having taken so long. I will plead that it was not entirely my fault, although I suppose that I did not have to give way. Overall, the SDLP amendments, sadly, would substantially weaken the Bill. They would diminish the protection for victims in direct proportion to the degree to which they make the appointment of a serious criminal easier. The easier you make the appointment of a serious criminal, the more you diminish the rights of the victims. If the Bill passes, I want it to be seen as a landmark piece of legislation that is amongst the first to demonstrate that victims have a right to be heard, a right to have a say and a right to be heeded. I fear that the SDLP amendments, in diminishing those rights, do not do justice to the Bill and will, in fact, do it despite. Those are my remarks for now.

Mr Girvan: I support Mr Allister's amendments to include the setting up of a panel, albeit reluctantly, on the basis that I believe that the body that should have been looking at this — the Civil Service Commissioners — has basically decided that it does not want to dirty its hands by being involved in making any issue. Until such a body is devolved to this Assembly, so that we can instruct it to take that on, this is the only route that we can go down.

Mention was made in the last comment that the appointment of criminals will be easier if the SDLP's amendments are accepted. That harks back to what happened recently, when we debated the National Crime Agency. It seems to me that the SDLP wants to make it easier for those who have been involved in various different crimes, whether political or otherwise, to evade prosecution and to be appointed to positions in government — and probably not just lowly positions, but key positions. That has to be looked at.

I want to go back to the amendments put forward by the SDLP in relation to those who are actually in position. They want to just let that go. It was very well demonstrated by the Bill's sponsor that if this is accepted, anyone who wants to get in and who has a criminal conviction now has an amnesty. Get in there, get your position, and nothing can be done. Legislation must be put in place to ensure that that does not happen.

It is not necessarily only about crimes that are politically motivated, or those who are guilty of them. The Bill specifically mentions the five-year tariff and how that is not just those who have been involved in criminality associated with the Troubles in Northern Ireland, albeit it was a result of the intervention of Ann Travers in relation to the murder of her sister and the appointment of Mary McArdele that brought this Bill about. Unfortunately, we have to deal with that because there are those who have not seen how making such sensitive and difficult appointments have affected the wider community.

We have to accept that, if the SDLP wants those who are in post to remain so, we should just let it go irrespective of whether it demands legal costs associated with getting rid of those people. There is a mechanism in place to deal with that, and that process can and should be used.

I also have major concerns about amendment Nos 8 and 9. There has been a lot of discussion about those amendments. Now, I do feel that —

Mr A Maginness: Will the Member give way?

Mr Girvan: Yes, I will.

Mr A Maginness: I was just thinking over your initial remarks about the panel. You said that you had some problems with that. Are you saying that you have a problem with the mechanism of appeal, or is it just the fact that

the panel now, according to the proposed amendment, would be established by the Minister or the Department?

Mr Girvan: I do not have concerns about the panel being appointed by the Minister of Finance and Personnel at present. My difficulty is that we are getting those who should have been dealing with this matter off the hook. I will have no problem with the panel when it is up and running, but the proper process was that the Civil Service Commissioners should have been dealing with this.

Mr D Bradley: Your Minister proposed the panel.

Mr Girvan: I appreciate that. What is coming forward now is more reflective of the points that were made at the very early stages. The Minister brought that to the House last year in relation to this matter, I understand.

The other point that I wanted to make was in relation to amendment No 9 from the SDLP, which inserts a new paragraph (b) into clause 3. It makes reference to and includes only those who have:

"demonstrated ... non-violence and exclusively peaceful and democratic means for political change".

The Bill does not make any reference to that. It is about:

"whether the person has taken all reasonable steps to assist in the investigation and prosecution of all other persons connected with the commission of the offence,"

The amendment bears no reflection to that. The amendment tries to tie it in with the political situation.

Each party possibly could appoint somebody. For the sake of argument, our party, which has the Department of Finance and Personnel ministry, could have sat down and said, "Who would be fantastic at doing this?" There is a gentleman called Nick Leeson, who was involved in the Barings Bank saga. That was not associated with criminality, the Troubles, political violence or anything else. Nick Leeson could probably aspire to all that is stated here, yet he was guilty of one of the greatest mismanagements of bank affairs and brought down Barings Bank. We just need to be very careful about what we include. As a consequence, that amendment should be

thrown out in its entirety and we should just stick with what is there.

I see the SDLP's amendments as the SDLP trying to be more green than Sinn Féin on this matter and trying to protect some people in certain areas. It is quite evident to me that, if somebody is guilty of a crime, they should accept that they will not, and should not, take up the post.

Mr D Bradley: Will the Member give way?

Mr Girvan: I will, Dominic.

Mr D Bradley: I take exception to the Member's accusation that the SDLP is trying to out-green Sinn Féin. Sinn Féin has not put down any amendments in this debate. How can we be out-greening Sinn Féin if that party has not put down any amendments?

Mr Girvan: From our side of the House, it seems as though your party is acting as a conduit for Sinn Féin.

Mr McKay: I thank the Member for giving way. I want to reflect on what the Member and other members of his party said at the previous stage of the Bill. It was considered then that this matter should be referred to the Office of the First Minister and deputy First Minister (OFMDFM). Members of his party said that we cannot put this issue into a Department because that would put the matter back into a political forum as opposed to an independent mechanism. Does he now accept that bringing this into the Department of Finance and Personnel, which the proposer of the Bill proposes we do — and I notice that the flag-bearer for that Department is sitting behind the Member — would bring it into a political forum?

Mr Girvan: It states that an independent panel should be appointed. I take comfort from the word "independent". It should be given sufficient resource to establish that, and what its independence is will have to be classified. I appreciate that our original idea was for this to be dealt with through the normal process of what is acceptable under the wider Civil Service appointment procedure, and that is covered in subsection 4 of clause 3.

A number of points are creating a bit of concern in my community. We have had a wide discussion about the words used. Whether those words have a Catholicism angle or not, they are part of the English language. Some want to remove the word "contrition" and install the word "regret". Mr Weir already alluded to

contrition being personal and regret being a general approach.

We are in favour of all the amendments proposed by Mr Allister and oppose all the SDLP's amendments. I, too, have some confusion about amendment No 10.

Mr D Bradley: Will the Member give way?

Mr Girvan: Yes.

Mr D Bradley: I take it then that the Member's party has changed its view on Mr Allister since last week, when the Member's party leader described him as not having a positive bone in his body and of going to the bush to take a stick to beat people with.

1.45 pm

Mr Speaker: Order, order. The Member will know that there has been quite a bit of latitude shown in the debate, but he is stretching the debate by raising that issue.

Mr Girvan: I did not realise that we had discussed that as part of what was put forward last week. The amendments were not included within that.

Lord Morrow: I thank the Member for giving way. We hear constantly from around this House that it is time to move on, it is time to do wonderful things and it is time that we moved into the new dispensation. We hear how much we all agree with that. Does the Member agree that the Bill before the House today and this debate are about moving on? Here we have amendments that seem to be designed — intentionally or unintentionally, I am not quite sure — to keep us in the past. Is it not time to let go, embrace the Bill as it is and demonstrate, not only to everyone sitting in this House but to everyone outside, that this Assembly is determined to move on and that, whatever has happened, we cannot keep dragging the past with us? This Bill is an honest attempt to take us into a new dispensation and go forward. I hope that the SDLP in particular will recognise that.

Mr Girvan: Thank you very much for that intervention. If there is anything further that you want to say, feel free to go ahead.

We have a point about amendment No 10 to clause 3, which aims to insert the line:

"in consultation with the Commissioner for Victims and Survivors."

As to the conduit approach: is it "through" or "the views of" or what? I just cannot accept opening another line of consultation on the matter. I appreciate that the victims are, and should be, the main focus.

Sinn Féin brought this about with — I am not sure how I should put this — the insensitive way that it dealt with the appointment of those who have blood on their hands and have been guilty of some of the most heinous crimes that we have seen in our generation. That is something that has to be considered and taken into account. Any party doing that should consider those points. That is why we are in this position.

Mr A Maginness: I thank the Member for giving way; he has been very generous. Surely, it is logical and reasonable for the Victims' Commissioner, or their office, to be involved and to give the necessary professional help and support to victims in such situations. That does not damage in any way an individual victim expressing his or her own views; it simply assists in those circumstances. It is a very reasonable and logical proposal.

Mr Girvan: The Victims' Commissioner has a key role to play with victims and survivors, but I believe that —

Mr Wilson: Will the Member give way?

Mr Girvan: Yes.

Mr Wilson: I do not know why this amendment has been tabled in the name of the SDLP. The Bill, as it stands, does not preclude a victim who, for whatever reason, does not wish to contact the panel or feels too inadequate to communicate with the panel, from going through the Victims' Commissioner. The amendment does not add anything. I cannot get into the mind of the SDLP on this one, but I suspect that the only reason for amendment No 10 is that it knows that victims will be very unhappy with its amendments, especially amendment Nos 8 and 9, and it is trying to push forward its credentials with the victims. The Victims' Commissioner could be used, even under the existing Bill, to make representation on behalf of people who feel that they have a particular interest in an appointment. If they want to make their views known but do not know how to do it or do not want to do it themselves, they can do it through the Victims' Commissioner. For that reason, I do not think

that amendment No 10 adds anything to the Bill.

Mr Girvan: I thank the Minister for the comments.

Mr Speaker: Order.

Mr Girvan: It was not the Minister; it was the Member.

Mr Speaker: I want to clarify the position: he is speaking as a private Member.

Mr Girvan: He was not speaking as the Minister; he is speaking from the Back Bench.

I have concerns about the issue of special circumstances because you either rule yourself in or out simply because you have been convicted of a crime and served a tariff of five years or more in jail. I appreciate that, to try to bring as many people as possible on board, the opportunity was taken to bring in exceptional circumstances. People in that position will be given an opportunity to see whether they can present their case in a way that is accepted, and I believe that, with the inclusion of exceptional circumstances, those who wish to take up a post have an opportunity to do so by presenting their case to the relevant panel in a reasonable fashion. As it stands, we support Mr Allister's amendments and oppose those presented by the SDLP.

Mr Mitchel McLaughlin: Thank you very much, Mr Speaker; I am glad that it was not so far from your desk to here.

Sinn Féin has studied the amendments carefully, and we are no more convinced now of the merits of the Bill than we were at its introduction. We have made it clear that the issues at the heart of the Bill, even as amended, and its intent and purpose are quite clearly in direct conflict with the commitments that were entered into in the Good Friday Agreement, specifically about those who were known as prisoners of the conflict or, in the words of the agreement, "qualified prisoners".

That historical agreement — I recognise that not all the parties in the Assembly supported it — was ratified by referendum on this island and subsequently by the Oireachtas and the Westminster Parliament. So, notwithstanding individual opposition to the Good Friday Agreement, it is the authoritative and legal basis that governs and regulates the business of the Assembly, including this Bill, and is binding on all parties and MLAs, including those

who supported it and are the champions of the Good Friday Agreement and those who are hostile to it.

The Bill will attempt to put in place a blanket prohibition that flatly contradicts the section of the agreement that relates to former prisoners. People voted for that at the time, and they negotiated and discussed with their eyes wide open. They knew exactly what they were signing up to, and there were certain very laudable and positive reasons and purposes for doing that.

Mr Wilson: Will the Member give way?

Mr Mitchel McLaughlin: Yes, of course.

Mr Wilson: I listened to what the Member is saying, and I want to pick up on two points. First, neither this Bill nor the previous system that was set up to deal with special advisers has a blanket prohibition on people who have been involved in crimes in the past. The Bill makes it quite clear that, for people to be able to take up a high-profile public appointment, regardless of the agreement, they have to meet certain criteria, as they do if they go to any part of the Civil Service. Part of those criteria are showing that they have left the life of crime in which they were involved in the past and demonstrated regret, remorse and contrition for it. The Member is wrong to try to paint this as something that it is not.

Mr Wells: Will the Member give way?

Mr Mitchel McLaughlin: Yes, of course.

Mr Wells: I wish that the honourable Member for Antrim South would not keep saying that we signed up to it when we supported the Good Friday Agreement. Nobody on these Benches supported the Belfast Agreement. I voted no and was proud that I voted no, and I suspect that Mr Allister voted no as well. So it is no good saying to us that we should have accepted this when we signed up to the agreement. We opposed the agreement, and, therefore, that is quite a ridiculous argument.

Mr Mitchel McLaughlin: I will take those points in reverse order, if I may. I acknowledged that not all parties supported the agreement. That was my opening comment, but you must not have heard me. The point that I made was that a democratic decision was taken here in the North, in this state, and in the South. It was then ratified by both the Oireachtas and Westminster. I said that, whether you were on the yes side or the nay side, the democratic

decision is binding on us all, and we have to act on the basis of that. Go on and reiterate your point as often as you wish and feel that it is proper to do so, but it does not change the fact that we had a debate and an argument that you happened to lose. As a consequence, we have an agreement and an Assembly.

On the Minister's point, the blanket prohibition has to be taken as the sum of all of its parts when we deal with this Bill. For instance, the word "contrition" has been widely discussed, but it is not even in the agreement. I do not know whether anybody takes the trouble to check these things. This has been introduced post facto, and people have had their debate. You can remember, as I do because I was at the negotiations, the very intense discussions and disagreements that took place about the release of prisoners.

Mr Wilson: Will the Member give way?

Mr Mitchel McLaughlin: Yes, of course.

Mr Wilson: I thank the Member for giving way. We can argue about words that were in the agreement or not. As Jim Wells pointed out, that really does not concern us in this party. The Member knows that the community expressed anger at his party over some of the appointments that it made. So will he not accept that, as a very minimum, if someone who wishes to serve in a high-profile public post has been involved in criminal activity in the past, they ought to show contrition for it and have given evidence of that contrition, otherwise they are not fit to hold the post?

Mr Mitchel McLaughlin: We can shift the goalposts and refuse to acknowledge what was said at the time. Mary McArdle made a public statement and offered to meet the family. Does that not count? Does that not mean anything? *[Interruption.]*

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

Mr Mitchel McLaughlin: Let us deal with contrition. I will take another example, but there are so many examples, and this is where we need to be careful about putting ourselves in a double bind or being downright hypocritical.

The Pat Finucane murder took place in February 1989. British Government agents, informers from the loyalist community named Nelson, Barrett and Stobie, procured the murder weapons, carried out the murder and, in fact, were involved in the planning, working with

state agents. The British Government have investigated this, despite reneging on a very clear commitment at Weston Park to a full, public and independent inquiry. The latest episode was in December of last year, when the de Silva report was released. It confirmed that there was high-level collusion and that direct agencies of the British Government were involved in procuring the murder of a human rights lawyer.

What else did the British Government do? This is where I come to contrition: the British Government made it clear that no police or soldiers would go to court. Contrition? Regret? Sorry? What does it mean when people adopt the position that, when it comes to ex-prisoners, we require a standard that we will not apply to servants of the Crown? That contradiction runs through the disagreements that have bedevilled the Assembly in trying to do its business.

2.00 pm

For me, we had, from the formation of this state right up to the late 1960s, a history of conflict — a low-level conflict, if you like — involving sporadic violence and sectarianism, discrimination and gerrymandering. We had a civil rights movement that sought to address the issues that the one-party unionist Government could not address, and we had a war. We had a war and everybody around here knows it. Nobody voted for that war, but it happened. My regret is that we seem — this is a serious point — to have had low-level conflict that led to a war. We found a way of ending the war, but we have returned to conflict. We have not moved on. I thought that the point was made earlier, and I thought that it would lead to a more constructive approach. However, we have returned to the conflict, and it trips us up right, left and centre. It is time that we all had a collective shake of our heads and got on with it.

I return to this particular issue and the stated purpose of the Bill. We all knew exactly what was involved in the price of peace. There are lots of people in our community who do not have the answers to which they are entitled. There are lots of people who hope that, eventually, there will be an adequate and effective truth recovery process. However, I will just make a passing reference to the point that I made about the Finucane case. How can that family have peace and reconciliation if it is being told by one of the sponsoring Governments that they are not going to —

Lord Morrow: What about the McConville family?

Mr Mitchel McLaughlin: I know that there are a whole lot of families, and I accept that the McConville family and all the others are affected. In this House, we all represent people who have suffered, or perhaps we have direct family connections with them. They are all entitled, and that is the point. Therefore, if we are to proceed on the basis that we deal only with one part of the story, we will never have peace and reconciliation. I know that that is a difficult concept —

Lord Morrow: Will the Member give way?

Mr Mitchel McLaughlin: Yes, of course.

Lord Morrow: I thank the Member for giving way. I do not want to digress from the issue before us. However, I will say this: the Member waxes about the past, and he is quite selective in how he does that. If he is serious and sincere that he wants to see the issue dealt with, maybe — just maybe — they could start with the like of the McConville case. The deputy First Minister tells us that he left the IRA in 1972 or 1973. Gerry Adams, Sinn Féin's president, says that he was never, ever in the IRA. Is there anybody but anybody who believes that? We need to start with the truth. That would be a good starting point, would it not?

Mr Speaker: Let me say to the whole House that this is a fairly lively debate. I am slightly worried that we are going outside the debate on the Bill itself. I remind all Members that, as far as possible, we should focus on the Bill and the amendments before the House.

Mr Mitchel McLaughlin: All that I can do is reiterate our position. We would support and canvass in favour of a fully independent truth recovery process. I do not know at what point you would start. My view is that we might want to take a look at what happened in 1965, when a certain titled unionist politician met with members of the UVF and reinstated that organisation, which, within a year, was involved in a sectarian murder campaign. Should we start there, or with the campaigning of the party opposite against the civil rights movement and the very modest reforms that the O'Neill Government were prepared to introduce? We would have to decide where to start, and that would be a very challenging process.

However, I do not want to get locked into the past. This is my thesis: those who supported the Good Friday Agreement — I look to the parties on my left — need to stand by the commitments made in it. We have to agree that

if we want to review and change it, we must do that in conjunction with the two Governments that sponsored it. Why do I say that? Think about the issue of contrition that has been developed in this discussion and the variations on that theme. Are we legislating for the British Government in that? I do not think that we are.

The sponsor of the Bill, the Member from North Antrim, introduced an amendment, supported by the SDLP, during the Bill's Consideration Stage, whereby he indicated that commissioners could be used.

That, in fact, was a decision that was not ours to make. Because of that, it tripped up and had to be yanked at the last minute. Now, we are back to the review panel, which was an argument that was advanced — I accept that it was advanced — and reflects the argument that was made by the Minister of Finance.

Our view is that, when we signed the agreement, when we went and canvassed for it and when we met people on the doorsteps, including victims and survivors, we explained the cost of peace, and people — I thought, at that time — supported it because they recognised that the prize was worth the cost. We need to remind ourselves of that occasionally, because, here, we are going to divide mainly, I think, on the basis of who is pro-Sinn Féin and who is anti-Sinn Féin. I think that that is how this is going to work out. I do not think that it will represent the settled opinion of the House, nor is it an authoritative or legitimate basis on which to proceed, because it means that parties such as the SDLP and Alliance will have to refine and change, on the basis of one appointment, what they had argued and campaigned for with regard to the Good Friday Agreement.

The question that those parties want to ask themselves is whether they want to risk being accused of being duplicitous at that time — that they had another agenda, which was about getting IRA decommissioning, and that they would have said anything that would have fed that and would have agreed to anything, but were reserving their right to change their minds afterwards. That was not the position that republicans entered into on this, and I do not think that it should be the basis of business in the House. I urge people to reconsider allowing the Bill to proceed.

Mr A Maginness: I am grateful to the Member for giving way. He referred to the Good Friday Agreement. In some way, the tentative support that the Alliance and the SDLP gave to the Bill is now a point of criticism by the Member. However, if you look at the section that deals

with reconciliation and victims of violence, it states:

"The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation."

That is something that the Member who spoke previously has not referred to at all. He seems to ignore the plight of victims. Furthermore, it continues:

"It is recognised that victims have a right to remember as well as to contribute to a changed society."

In that context, part of the Bill sits well, and it is up to the Member to acknowledge this, because he seems to completely ignore the plight of victims of violence.

Mr Mitchel McLaughlin: I am not certain that I noticed whether the Member was in when I was speaking. However, Hansard will confirm that I made a very direct reference, and it was this: my party supports the establishment of an independent truth-recovery process.

We read the Good Friday Agreement on a regular basis just to remind ourselves of the commitments that we all entered into. You will not find the words that you claim are a specific term of reference. It is a term of reference that you got from an avowed enemy of the Good Friday Agreement, and it is interesting that the SDLP has allowed itself to be seduced into that position.

My view is that people, whoever they are and from whatever section of the community they come, are entitled to the full information that can be made available in respect of the circumstances. I know that there is a flat contradiction between the approach reflected in the Good Friday Agreement and that of the British Government, which refuse to release their side of the story and, therefore, render, at this stage so far, a sense of paralysis over the whole process. I think that we might be forced to examine the coupling of truth recovery with reconciliation processes, which, I think, would be accepted as borrowed from the South African peace process.

It may or may not have been an effective mechanism there, but it certainly provided some inspiration, hope and expectation for us. It was on that basis that we borrowed the phraseology. Perhaps we have to separate the two, because until such times as the British

Government can be effectively engaged and will be part of bringing forward an independent truth recovery process, that aspect of truth and reconciliation just will not happen. Perhaps we can separate them, because this Assembly gets itself into binds at times and there are stand-offs, etc, but there are also times when we come together for a common purpose. I think that we could advance the whole issue of reconciliation at a quicker pace. However, I do not want to get distracted from this debate.

I say to the SDLP: take a look at paragraph 5 of the section of the agreement that deals with prisoners and reconciliation. You will find a very explicit commitment based on the equality and inclusion principles on which the agreement was founded. It is there in black and white. The SDLP campaigned on that along with us, and we got overwhelming endorsement and the support of the Oireachtas and Westminster. Why would we be bounced off that now? That involved hard decisions, and there are more to come. We are talking about one appointment, and we are going to turn away from what should be a position of principle. My remarks are addressed as much to the Alliance Party as the SDLP, because they put themselves in the position of being champions of the agreement. Unfortunately, the Ulster Unionist Party, having played what I thought was a very honourable and constructive role, has resiled from that position to a considerable extent. We very rarely hear any words in support of the agreement that made all the progress possible.

Let us not go into reverse. We have never done that. We have been stalled and we have been delayed, but we have never been reversed. This Bill represents a reversal from commitments: very clear principles of inclusivity, equality and non-discrimination. Let us not go back to that past, because that is what gave us the trouble in the first place.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Tá áthas orm páirt a ghlacadh sa díospóireacht seo, agus, chomh maith leis sin, labhairt ar na leasuithe atá ar an liosta inniu ón pháirtí s'againne. I am pleased to participate in what has been a good debate so far. Obviously, I will concentrate my comments on the amendments that the SDLP has tabled, but I will also comment on Mr Allister's amendments.

The SDLP approach has always been to stand with victims and to stand with the right principles. That has always been the SDLP way: to stand with victims of terror and to stand with the democratic way. We also stood with

the victims of state violence by standing for radical reform of the policing and justice institutions and a rights-based approach. The SDLP way is to stand with victims and to stand with the right approach. That is what we did at Consideration Stage with amendments that were crafted to achieve that objective: to stand with victims and to stand for the right approach. Our amendments today have the same aim.

The amendments that we have tabled seek to remove the retrospective element of the Bill, the purpose of which is to remove from post current incumbents of special adviser positions who have serious criminal convictions as defined in clause 5, regardless of how long they have been in post or the circumstances under which they were appointed. Having given this aspect of the Bill further consideration, which is required by this stage of the legislative process, and having taken legal advice on the matter, we are not convinced that it is either fair or closed to legal challenge.

2.15 pm

Regarding the political circumstances around the appointment of some special advisers, we must recognise that there was a desire and agreement politically to bring those previously involved in violence into the political process where they could make a positive contribution in a non-violent and exclusively democratic way.

Mr Weir: I thank the Member for giving way. The Member referred to legal challenge. On almost all occasions, on almost anything you can think of, issues are, to some degree, susceptible to legal challenge, but, with regard to the proposal to remove the retrospective or present element in this Bill by way of the amendments it has put down, will the Member clarify whether the SDLP would have brought these amendments forward if Mary McArdle had still been in position?

Mr D Bradley: I will move on to the point that I made earlier about the possibility of legal challenge when I finish what I have to say at the moment. We must remember that the DUP —

A Member: Answer the question.

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

Mr D Bradley: The DUP, the UUP and the Alliance Party have worked with the people who are special advisers for Sinn Féin. In that context, they knew that they were special

advisers employed by Sinn Féin Ministers, and that, in respect of clause 5 of the Bill, they had serious criminal convictions. I do not believe that any of those parties raised any objections to that in the St Andrews talks or in the Hillsborough talks. I do not think that Mr Weir has a very strong basis for attacking the SDLP.

Mr Weir: Will the Member give way?

Mr D Bradley: I have already given way to you.

Mr Weir: You did not answer the question.

Mr D Bradley: I did answer Mr Weir's point, so I will move on.

There was a phase of the process when issues were not addressed comprehensively, properly, ethically, or, perhaps, even at all. Guns, policing, criminality, a common future — there was a time when to move forward meant that type of approach. We should have listened more closely to John Hume, and, in particular, to his Nobel address, when he urged that we move decisively and grab the agreement fully with all our might. If we had done so, we would not have the loss of hope and the degradation of politics and the values of the agreement that we see in so many ways today. If we had moved decisively in the past to an ethical process of truth and accountability, we might have given to victims and survivors a greater sense of healing and a better answer to their pain.

The appointment of Mary McArdle was a watershed in the trauma imposed on the Travers family and in the way in which it outraged public sensitivity around the feelings of victims in general. After sustained media pressure, Sinn Féin saw the error of its ways and removed Mary McArdle from her post as special adviser to the Minister of Culture, Arts and Leisure, Carál Ní Chuilín. It was that appointment that led to this Bill and the introduction by the Minister of Finance and Personnel of regulations for the appointment of special advisers in line with Civil Service procedures.

Present incumbents were appointed in accordance with the procedures at the time. There is a danger in the retrospective aspects of the Bill, as outlined in the provisions that we hope to amend with the support of the House. That danger was highlighted —

Mr Allister: Will the Member give way?

Mr D Bradley: Yes.

Mr Allister: Could I try Mr Weir's question again? If Mary McArdle was still in post, would the SDLP be moving amendment Nos 2, 5, 6 and 7?

Mr D Bradley: I thank the Member for his intervention. He presents us with a hypothetical situation — *[Laughter.]* — and we would do better to deal with the reality in front of us.

As I was saying, when the Attorney General gave evidence to the Committee for Finance and Personnel on 19 September 2012, he mentioned the dangerous nature of the retrospective aspects of the Bill. Mr Attwood, I believe, referred to that earlier. The Attorney General said, with reference to the European Convention on Human Rights:

"My concerns stem from article 7 of the convention. That does two things, one of which is relevant, potentially, to this Bill. First, article 7 of the convention prohibits retrospective penalisation, so one cannot retrospectively render criminal that which was not criminal at the time. Secondly, and, perhaps, more relevantly for this discussion, it prohibits an increase in penalty or the imposition of a heavier penalty than was available at the time. If the question is asked whether the disqualification that is introduced by clauses 2 and 3 of the Bill constitutes a penalty in domestic law terms, the answer is quite clearly that no, it does not, because our criminal law would not recognise that as a penalty. For the consideration of this issue, it is vital to recall that 'penalty', as used in article 7, has an autonomous convention meaning, and that has been clarified in a number of Strasbourg cases."

The Attorney General continued:

"It strikes me that in taking guidance as best one can from the Strasbourg authorities, one starts with the dominant question in seeing whether article 7 applies. Does the measure, to use a neutral term, follow on as a consequence from a criminal conviction? I think the answer here is that what happens in clauses 2 and 3 does follow on as a consequence of a criminal conviction. You also consider its classification as a matter of domestic law. Again that points the other way. However, you then look at a purpose and its severity. It strikes me that in the cases where retrospective measures have been imposed throughout Europe, in France and the UK — cases that have survived scrutiny at Strasbourg — have been

measures that, although retrospective in their effect, have been typically for a public safety purpose."

The Attorney General concluded:

*"So, there is a certain circularity. That is the point of the Bill and that is why, I think, there are dangers in relation to the competence of clauses 2 and 3 as they stand at present. It would be perfectly possible, for example, to have provisions that were regarded as harsh. There is an old Latin tag, *dura lex sed lex*, but if they are prospective and apply only in the future, no issue arises under article 7."*

It is clear from what the Attorney General said at the Committee Stage of the Bill that there are issues about the retrospective nature of several clauses. Of course, we always have to be careful about legal advice, even if it comes from such an august person as the Attorney General, who took silk at the same time as Mr Allister, he claims, but, at the same time, we cannot ignore such advice; we have to take it on board.

Mr Allister: Will the Member give way?

Mr D Bradley: Yes.

Mr Allister: Does the Member not misunderstand what the Attorney General was saying? If the Attorney General was saying that the fact that a conviction could, in future, be held against you with regard to employment, and that that breaches article 7, would that not equally breach it for some new applicant for a job, which was not banned to them when they were sentenced 10 or 15 years ago but would be now? If the Member is logically trying to follow through his view of what the Attorney General was saying, he should not be supporting any part of the Bill for aspiring or sitting SpAds. Is that not the case?

Mr D Bradley: The Member raised that point with Mr Alex Attwood this morning, and the Member's argument was that the issue that the Attorney General was warning about or advising on was now mitigated by the fact that the Bill had introduced into it an appeal mechanism. That may be the case, but my argument, the argument of the SDLP and what these amendments are directed at is that the appeal mechanism is inherently unfair in so far as it does not give those who, potentially, would appeal a reasonable chance of success. Any appeal mechanism that can be properly called such should give those who use it some chance of success. We believe that that is far from the

case with the appeal mechanism that Mr Allister has brought forward.

I will move on. I think that we should also take into account another dangerous precedent that the Bill might bring forward. If we were to change terms of appointment to employment so that they apply retrospectively, thus removing incumbents from their posts, as a general rule, it would be highly undesirable. In general, if changes to appointment procedures are implemented, they apply prospectively and do not result in incumbents being removed from post.

Mr Speaker: Order. I apologise; I must interrupt the Member as we move to Question Time at 2.30 pm. I ask the House to take its ease until we move to Question Time, but the Member will be called after Question Time to finish his contribution.

The debate stood suspended.

2.30 pm

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

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Mr Deputy Speaker: Order. Question 8 has been withdrawn.

Child and Working-age Poverty: Institute for Fiscal Studies Report

1. **Mrs McKeivitt** asked the First Minister and deputy First Minister for their assessment of the Institute for Fiscal Studies report 'Child and Working-Age Poverty in Northern Ireland from 2010 to 2020'. (AQO 4054/11-15)

Mr P Robinson (The First Minister): The report from the Institute for Fiscal Studies (IFS) on poverty forecasts until the end of the current decade is useful research. The report was commissioned by the Office of the First Minister and deputy First Minister (OFMDFM) to assist in developing our understanding of the key trends and underlying factors that matter most as we continue to work out the targets set in the Programme for Government to address poverty and disadvantage. The report makes clear that the progress of the past number of years will continue to reduce the impact of poverty, particularly among children and young people, while the underlying trend may become more challenging as a result of major policy changes that are brought forward by the coalition Government at Westminster. However, it is important to note that such reports are, by their nature, speculative as the Executive continue with their efforts to improve the services that are available to children and particularly to bring about improvements in educational performance, health outcomes and developing greater opportunities for children and young people to lead successful and fulfilling lives. The wider economy will continue to face challenges as a result of the downturn in global economic performance.

In addition, we have driven forward the new Delivering Social Change agenda, which seeks to work across Departments to target and address social disadvantage. The second annual report on delivering the Executive's child poverty strategy was laid before the Assembly on 29 March. It indicated a significant further fall in child poverty, which was largely

influenced by a fall in the UK median income, mainly in London and the south-east of England. However, it is also clear that our policies are producing results. The IFS report clearly points to the success of efforts that the Executive have made to address the factors that lead to poverty that lie within our control. Relative child poverty in Northern Ireland fell from 120,000 to 93,000 between 2009-2010 and 2010-11.

Mr Deputy Speaker: The Minister's time is up.

Mr P Robinson: It also highlights the potential for policies to impact on the levels moving forward, particularly with regard to social security benefits and taxation policy.

Mr Deputy Speaker: The Minister's time is up.

Mr P Robinson: The IFS report is a useful contribution to the ongoing discussion on child poverty.

Mrs McKeivitt: Does the Minister accept the report's analysis that reaching the targets of the Child Poverty Act 2010 is virtually impossible? If he believes that, does OFMDFM not, in effect, accept failure by continuing to abide by the Act's targets rather than taking devolved responsibility for child poverty and creating their own individual targets?

Mr P Robinson: I accept that meeting the 2020 target will be very challenging. However, it is not a case of picking and choosing on the matter. It is a legal requirement that is set down by United Kingdom law. We are, therefore, required to work towards meeting those challenges. No matter how much the Member may shake her head, it does not shake out of existence the legislation that is enacted. Nonetheless, I do not demur from the possibility of our looking at setting ourselves targets on those matters. Of course, to some extent, meeting the targets is, in many cases, outside our competence in that they are impacted, for instance, by taxation policies and welfare reform proposals that the United Kingdom Government might bring forward.

Mr Spratt: As a member of the Committee for the Office of the First Minister and deputy First Minister, I was somewhat surprised this morning to hear the Deputy Chairperson, Chris Lyttle, indicating confusion as to where we were with the childcare process, given that the Committee has just looked at the consultation responses on the issue. Will the First Minister outline the next steps on childcare, which also goes into the area of poverty?

Mr P Robinson: I have to say to my friend that I am not in any way surprised by an expression of confusion on the part of Mr Lyttle. I think that it may be worthwhile putting on record the background to why OFMDFM is dealing with the matter. In the previous Executive, there was a failure by the Education and Health Departments to take it up. The deputy First Minister and I, therefore, picked it up and said that we would deal with it in our Department. We put forward a strategy, which went out to the wider public for consultation. As I think that everybody knows, the consultation was announced in December and ended in March. Until last week, we were waiting for a response from the Committee for the Office of the First Minister and deputy First Minister, of which Mr Lyttle is the Deputy Chairperson. So I cannot understand why he was not aware that it was his Committee that held us back from taking a final decision on these matters and why he denied 'Good Morning Ulster' listeners the knowledge that that was the case.

Mr Deputy Speaker: No one has indicated that they have another question, so we will move on.

Disability Strategy: Children

2. **Ms McCorley** asked the First Minister and deputy First Minister to outline how the disability strategy addresses the needs of children with a disability. (AQO 4055/11-15)

Mr P Robinson: With your permission, Mr Deputy Speaker, I will ask junior Minister Jonathan Bell to answer this question.

Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister): The United Nations Convention on the Rights of the Child and Convention on the Rights of Persons with Disabilities place obligations on all Departments to promote, protect and ensure equality. We will meet our requirements through the Delivering Social Change framework, which is the main vehicle for the delivery of our 10-year strategy for children and young people, and the new disability strategy.

We support the social model of disability. It is not the disability that is limiting; rather, it is the physical, organisational and, in many cases, attitudinal barriers that society puts in the way of disabled people. It is those barriers that we have to remove.

We are responding to the recommendations from the UN's Committee on the Rights of the Child by taking a series of actions, such as

implementing a disability strategy that covers all age groups, including children, young people and adults, and people with all types of disability.

We have raised awareness of the rights, capabilities and contributions of people with disabilities by supporting a project that raises awareness of the UN disability convention among children and young people in schools; by developing a resource pack for teachers to help them to teach about the rights of disabled people; by introducing and raising awareness of special educational needs legislation, which protects the rights of children with disabilities in education; and by taking action to improve speech and language therapy services and autism services for children and young people.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí. I thank the junior Minister for his answer. He referred to engagement with the sector to promote rights. How successful does he believe that that has been in promoting and raising awareness of the rights of children and, indeed, all people?

Mr Bell: I thank the Member for that important question. OFMDFM has engaged extensively with the disability sector to raise awareness and hosted a number of awareness-raising events. The Department has supported a project that raises awareness of the convention in schools by working in partnership with Disability Action to develop a resource pack for teachers and youth workers to help them to teach pupils and young people about the rights of people with disabilities. The resource pack is due to issue to schools before September 2013. That, I think, directly answers your question in respect of young people,

Following the Executive's agreement to the disability strategy, officials continued to raise awareness by officially hosting an event to launch the disability strategy at Grosvenor Grammar School on 28 February 2013.

OFMDFM also organised and led a major inclusive conference on 2 May at Riddell Hall, to which we invited all service providers, together with representatives of the disability sector, to consider how the current arrangements meet the needs of people with disabilities in the context of equality.

We have also set up two subgroups, which include representation from the disability sector, to advise OFMDFM on the development of awareness-raising, advocacy and the

monitoring framework of the strategy, and to develop the inputs to how other services could be modified to effect greater equality for disabled people.

Mr Campbell: Will the junior Minister give the House an update on the number of signature projects in the disability strategy?

Mr Bell: There are seven work-stream projects in the disability strategy. They aim to achieve early momentum on delivery. The work streams will deliver outcomes in disability awareness and advocacy; access, particularly access to transport and digital inclusion; housing; employment and the standard of living; tackling crime against people with disabilities; access to sports and leisure; and a monitoring and reporting framework.

I will try to go through some of the disability awareness and advocacy projects. I will obviously not get through all seven work streams in the two minutes allocated to me. The inclusive conference on 2 May invited all the service providers and the disability sector to look at how our current arrangements meet the needs of people with disabilities on the basis of equality. In particular, disabled people will be invited to develop the monitoring framework for the strategy to develop the inputs to how other services could be modified to effect that greater equality for people living with a disability.

The lead Department in the digital inclusion project will be the Department of Finance and Personnel (DFP). It is all about providing people with a wider choice to empower themselves in major areas in their lives. It will ensure that disabled people have access to and the skills to use technologies such as computers, the internet, mobile web-enabled devices and digital TV. Digital inclusion opens up many of the social, financial and entertainment benefits of the internet. It also provides many disabled people with economic and employment opportunities.

Mr Swann: The disability strategy states that further plans are being developed through the Delivering Social Change framework. What specific actions are being targeted at young people with disabilities? Will the Minister inform the House of that programme of work?

Mr Bell: The first thing is the work that we are doing with schools and teachers on resources to give young people the access to overcome the barriers that we place in their way. As I said, we are very clear: the barriers that we place in the way of disabled people cause the

difficulties. As I began to outline in my previous answer, the use of digital inclusion, which DFP will take forward, will enable many young people who live with disability to access through their mobile web-enabled devices and internet-capacity phones the services that will give them the ability to overcome many of the entertainment, social and financial barriers that exist.

That plan will also specifically promote inclusion for young people with disabilities based on the Northern Ireland Direct assisted digital strategy. The strategy will help to ensure that we do not exclude anybody, whether young or old, from access to our government services. That may also include the development of a Delivering Social Change signature programme on digital inclusion.

Minority Ethnic Development Fund

3. Ms S Ramsey asked the First Minister and deputy First Minister for an update on the delivery of the minority ethnic development fund. (AQO 4056/11-15)

Mr P Robinson: Mr Deputy Speaker, with your permission, I will ask junior Minister Jonathan Bell to answer this question.

Mr Bell: I am pleased to say that, even in this time of austerity, the budget for the minority ethnic development fund for the next two years will remain at £1.1 million per annum. The fund plays a very significant role in supporting minority ethnic communities and fostering their integration into our society. In line with the review of the fund, it is now more flexible and focused on the needs of the groups that apply and on the minority ethnic people. Funding under tiers 2 and 3 is for two years. I know that the extending funding has been welcomed in the ethnic minority sector.

2.45 pm

A selection panel with knowledge of the sector and the funding process met on 26 March to consider the applications under tiers 2 and 3, as well as the applications under tier 1. A total of 27 applications have been successful to date. All applicants were informed by 29 March of the outcome of the selection process. The majority of the letters of offer have been issued, and officials continue to work with the remaining organisations to complete the pre-contract checks before their letters of offer are issued.

In addition, tier 1 applications for funding of up to £15,000 are welcome until December 2014.

That will allow groups to apply for funds in a timely fashion for projects that will enhance race relations.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I thank the junior Minister for his response. I am aware that the funding has been welcomed by groups and organisations that work at the coalface of issues directly affecting minority ethnic groups. I welcome the fact that the funding has not been cut, but as is the case with any community organisation or community programme, people are always looking for additional money. The junior Minister said that 27 funding applications have been successful. Will he outline what appeal mechanism is in place for those whose applications have not been successful?

Mr Bell: Unfortunately, in all funding exercises, not all applications are successful. The racial equality unit, which administers the fund, has provided feedback directly to applicants who requested it. The request for appeals closed at 2.00 pm on 30 April 2013. An appeal against the selection committee's decision will be limited to a review of how it applied the criteria; no new information will be accepted at the appeal stage. Our officials plan to complete the appeals process by the end of May.

Mr G Robinson: Will the Minister give the House an update on the current position of the racial equality strategy?

Mr Bell: I am happy to do so. It is a priority for us to deliver a racial equality strategy that tackles racial inequalities and promotes good race relations in order to make our society a successful multicultural one. We welcome the discussions that we have had with minority ethnic representatives through various forums about how the fund should support the implementation of the strategy. However, it was essential to move forward with the fund now, without further delay, and I believe that that approach was warmly welcomed by the sector.

Consultation with the sector on the development of the strategy continues through the racial equality panel; the panel's most recent meeting was on 30 April. We remain committed to producing a document for public consultation as soon as possible.

Ms Lo: The development of the racial equality strategy has been ongoing for years and years. Will the Minister give a commitment that it will be published this side of recess? There is only one more chapter to go. Given that the revised

cohesion, sharing and integration (CSI) strategy will be published this week, what is the delay in publishing the racial equality strategy?

Mr Bell: We are working together to have it published. I will give the commitment that we will deal with it with urgency and as a priority. It is our commitment in OFMDFM to tackle racial inequalities where they exist and to promote good race relations. We want to see — and I think that we are already seeing this in many cases — a very successful multicultural society in Northern Ireland. Although it is important, a strategy can sit on a shelf. The important thing for us with the fund was, first, to make sure that the money was there for the relevant groups and, secondly, to make sure that the money would allow those groups to do effective planning around staffing and carry forward their programmes over the two-year period. That is why we created the fund in the first place.

We will work together with minority ethnic representatives and look at the implementation of the strategy. We will publish a document for public consultation as soon as we can.

Peace Monitoring Report

4. **Mr A Maginness** asked the First Minister and deputy First Minister for their assessment of the latest peace monitoring report. (AQO 4057/11-15)

Mr P Robinson: Our announcement on 9 May of a package of significant and strategic actions to build a united community is clear evidence of our commitment to this critical area for our society. The latest peace monitoring report recognises that we have come a long way as a society, and the collective effort at a political, community and individual level is to be commended.

Work such as this report is useful in measuring our progress. It highlights progress to date and the challenges for the way ahead. The deputy First Minister and I welcome the reassuring evidence that we now live in a community in which our citizens are less likely to be the victims of crime, in which racist hate crime has decreased and in which, for the first time in a generation, residential segregation has diminished.

We know that there is still work to do, and the publication of the report underlines areas where there continues to be challenges for us all at an individual, community and political level. We will not shy away from those challenges, and we remain committed to building a united

community by continuing to improve good relations across our society.

Mr A Maginness: I thank the First Minister for his reply. The First Minister acknowledged the value of the report as a measure of progress. Does he accept that it points out a failing in the lack of legislation that is coming from the Executive and going through the Assembly?

Mr P Robinson: If, for a minute, I believed that the amount of legislation that goes through the Assembly would bring peace on our streets, I would pile it up. I do not regard the amount of legislation that goes through the Assembly as an indicator of anything. Indeed, there are many societies in which a reduction in the amount of legislation going through their legislative assemblies would be regarded as a very positive factor. I am sure that the Member would not disregard the part of the report that criticises Assembly Members for not being present in the Chamber and for not being present when they are listed to ask questions. There is a wider range of issues to consider.

I recognise that the report draws from research that was carried out by an individual. Therefore, where there is robust and empirical evidence, that is clearly convincing and worthwhile. However, where opinions are expressed, it becomes less valuable, particularly as I think there has been a simplicity in the conclusions that have been drawn from political facts.

Mr Anderson: I thank the First Minister for his detailed response. Obviously, First Minister, there are a number of wide-ranging issues. Which 10 would you highlight?

Mr P Robinson: The report is hugely positive, but it draws on indices, many of which have been collated from our Department and others that have come from the census, and so forth. From a hugely positive report, the author drew 10 conclusions. Most of those are positive, although the press coverage did not dwell on any of the positive elements in the indices, the report or the 10 key points that came out of it.

The indices that were provided are widely available. If we look at those and draw out some of the more positive aspects, we see that this has been the longest period of sustained stability for the devolved institutions, that the number of sectarian incidents and crimes are significantly down and that the number of incidents and crimes on the basis of religion reduced very dramatically from 148 in 2005-06 to 14 in 2011-12. I see that the number of

attacks on Orange halls is down. The number of attacks on churches and chapels is down. The number of casualties per annum as a result of paramilitary-style shootings is dramatically down.

There is a significant increase in the number of young people who believe that relations are better between Protestants and Catholics. Ninety per cent of people believe that their neighbourhood is a shared neighbourhood. A consistently high percentage of people on all sides are indicating respect for each other's culture and identity in the Life and Times survey. No new peace walls since 2008; only one since devolution, and that was put up by the Northern Ireland Office. I could draw on literally hundreds of indices that are available to show the positive nature of the progress that has been made. However, I emphasise again that although progress has been made, there is still a long way for us to go.

FM/DFM: Meeting with Tánaiste and Secretary of State

5. **Mr Rogers** asked the First Minister and deputy First Minister for an update on their recent meeting with the Tánaiste and the Secretary of State. (AQO 4058/11-15)

Mr P Robinson: Our meeting with the Secretary of State and the Tánaiste on 29 April offered the opportunity to discuss a range of issues of mutual concern to us all, such as Peace IV funding. This was the latest in a series of informal quadrilaterals that provide a platform for discussions at ministerial level, and we anticipate a further meeting in this format in the autumn.

Mr Rogers: My thanks to the First Minister for his response. Was the Narrow Water bridge flagship North/South project discussed?

Mr P Robinson: The Narrow Water bridge issue was raised by me at the meeting, yes. I pointed out to colleagues that this matter was being dealt with by the Department of Finance and Personnel, that it was undergoing a business case consideration and that I thought that the Minister was of a mind to endorse whatever its findings of that business case review were as soon as it was available.

Mrs Overend: Will the First Minister outline his ongoing negotiations with the Secretary of State on the issue of the substantial financial package for Northern Ireland?

Mr P Robinson: The Secretary of State came to that meeting a little earlier than the Tánaiste, who I think was held back by press conferences. So the deputy First Minister and I had the opportunity to talk to her in some detail about the financial package and the Government's attitude to perhaps extending it. We have had discussions at both official and ministerial levels with Her Majesty's Government. They are of a mind to put together a package much on the same line as the City Deals in GB that one would be aware of. Clearly, because the whole of Northern Ireland would be involved, this would be a much larger context.

I am reluctant to go over the individual proposals because in some cases the deputy First Minister and I will be seeking to alter and extend those particular proposals. However, we are both of the view that we have been disadvantaged because of the overall climate of the Northern Ireland economy and we need to have an impetus and a momentum to move forward. The Prime Minister and the Secretary of State have indicated that they are prepared to respond to the level of ambition that we show with the proposals that we put forward. We have put forward extensive proposals in terms of a shared future. Those proposals went beyond what the Government had expected us to do, and we have a whole range of other announcements to make. So, having shown ambition, we are looking to see the reward for that ambition.

Mr Douglas: Did the First Minister take the opportunity during his discussions to raise the issue of the G8 or Peace IV?

Mr P Robinson: Yes, we discussed both during the course of the meeting. There was considerable enthusiasm for the benefit that will flow to both sides of the border from the G8. Because it is being held close to the border, the South is getting a very considerable benefit, even in terms of accommodation. I also understand that the Prime Minister has invited the Taoiseach to attend some part of the G8 discussions.

3.00 pm

It has very significant benefits for Northern Ireland in that it allows us to showcase a Northern Ireland in a new era, moving forward, and we will take every opportunity to put the worldwide attention to our advantage.

The deputy First Minister and I have been to Brussels and we have spoken to the relevant

commissioners about Peace IV. It is included in the draft proposals that are being considered, and €150 million has been set aside for that purpose. Indeed, our discussions with the United Kingdom Government, about which I did not give details earlier, included the possibility of there being a €50 million uplift on that from Her Majesty's Government.

We have discussed those issues but we are waiting for the endorsement of the draft financial package with the €150 million that has been set aside for Peace IV. We have our own views about how that can be linked to the overall shared future proposals that we have brought forward.

Health, Social Services and Public Safety

Mr Deputy Speaker: Questions 14 and 15 have been withdrawn. I call Mr Danny Kinahan.

Nurses and Nursing Assistants

1. **Mr Kinahan** asked the Minister of Health, Social Services and Public Safety how the number of nurses and nursing assistants employed at 1 May 2013 compared to the number employed at 1 May 2011. (AQO 4069/11-15)

Mr Poots (The Minister of Health, Social Services and Public Safety): The latest figures available are as at March 2013. At March 2013 there were 15,015 qualified nurses employed across health and social care, compared with 14,630 at March 2011.

The corresponding whole-time equivalent numbers were around 13,000 at March 2013 compared with around 12,600 at March 2011, and that represents a 3.3% increase. In addition, there were 1,320 qualified midwives employed at March 2013 compared with 1,315 employed at March 2011. There were also 4,558 nursing assistants employed at March 2013 compared with 4,481 at March 2011.

I commend the valuable work that our nurses and midwives carry out. I am proud of the services that they deliver, and I have been consistent in my message that staffing of front line services is vital to provide safe, effective and high-quality services.

Mr Kinahan: I thank the Minister for his answer. I am sure that he shares my concerns, but before I move on to my comments, I

commend everyone who works in the health service.

Does he agree that the health service cannot cope at the moment, even with the increased numbers of staff? Last week, the 'Belfast Telegraph' told us that there are not enough consultants and that everyone is under too much stress.

Mr Poots: I do not generally take my direction from the 'Belfast Telegraph'. I tend to listen to experts rather than read the newspapers, which very often have agendas. Of course the health service is under stress; that is the case throughout the United Kingdom, in the Republic of Ireland and many other places.

The truth is that we do not have more money to throw at it. Essentially, we have to do things better; we have to do things differently and we have to challenge the perceptions that exist in the health service and elsewhere that things cannot be changed.

I welcome the fact that we have more nurses on the front line. I know that the Member does not really want to talk about the question that he asked, because he probably did not get the answer that he wanted. We have more nurses on the front line, and if we require more nurses we will recruit them to carry out the job in hand.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I take this opportunity to welcome the increase in nursing staff throughout the health service. Minister, you stated a number of months ago that, to support doctors and consultants in our hospitals, nursing staff would be allowed to discharge patients. Is that happening? If so, in what hospitals? If not, when will it happen? You came forward with those proposals following another period in which A&Es were under pressure. It is important that we follow through on the proposals for nursing staff to be able to discharge patients.

Mr Poots: I do not have the detail of that, but I will seek to ascertain it and have it sent to the Member in writing. That is certainly something that can support us in the appropriate discharge of patients without compromising quality or safety. Nursing staff, especially nurse specialists, have so much potential to support and assist us in what we are attempting to achieve; namely, to take care closer to the community without compromising quality and safety, which must always remain at the forefront of everything that we do.

Ms P Bradley: Will the Minister provide an update on the family nurse partnership programme and other intensive parenting support programmes?

Mr Poots: The family nurse partnership programme, which we all know is an intensive, preventative home-visiting programme, is being introduced in Northern Ireland. It will improve antenatal and child health and develop parents' economic self-sufficiency. We think that the programme is of huge benefit. We have had our trials, and we now want to roll that programme out in every trust area. I welcome the support that we have received from the Office of the First Minister and deputy First Minister through the identification of funding that will assist us and enable us to do it. Others are very quick to carp, criticise and complain, so it is good to put on record our gratitude and thanks for the additional funding that is coming from that source. It will assist us in making a difference to people's lives and, in particular, children's lives.

Autism: East Belfast

2. **Mr Douglas** asked the Minister of Health, Social Services and Public Safety to outline the support available for children with autism in East Belfast. (AQO 4070/11-15)

Mr Poots: Children with autism in east Belfast have access to the same range of support services that are available to all children in Northern Ireland, which are based on the assessed need of the child. 'Six Steps of Autism Care' and 'Autism: A guide for Families' were developed in late 2011 to standardise the process of diagnosis, assessment and support for children and young people with an autism spectrum condition. My Department is leading on the development of a cross-departmental autism strategy, which is being developed to help improve access to services and support for people with autism, their families and carers throughout their lives.

Mr Douglas: I thank the Minister for his response. I understand that he has been to Tullycarnet to meet the Helping Hands autism support group. It would certainly be very keen to find out when the strategy will be completed.

Mr Poots: Yes, I was there. I thank the Member for the invitation to visit Helping Hands. That group has also met Minister McCausland, the Northern Ireland Housing Executive and other stakeholders and groups. I understand that Helping Hands provides really good support and advice to children and families

living with autism in east Belfast, Castlereagh and north Down. There is the potential for Helping Hands to develop in Ballybeen; that is very worthwhile, and the Member is pressing for it.

The aim of the cross-departmental autism strategy for Northern Ireland is to improve services and support for people with autism, their families and carers throughout their lives. The board was established in December 2011. The draft strategy was launched for public consultation on 3 December 2012. The consultation closed on 15 March 2013, and the responses are now being collated. We hope to complete the strategy and action plan in September or October of this year.

Ms Maeve McLaughlin: Go raibh maith agat. How often does the Minister meet the Education Minister about autism?

Mr Poots: I seek meetings with the Education Minister quite frequently on a range of issues. Obviously, my Department leads on the development of the new autism strategy and action plan, so it is important that we work closely with representatives from all Departments, the key voluntary sector organisations and people affected by autism with the aim of improving services and support for those with autism. I do not have a list of the dates on which we met the Education Minister on those issues, but our offices are in regular contact on a range of issues on which we, as Ministers, meet to discuss.

Mr Durkan: I thank the Minister for his answers and his update on the autism strategy. Will he detail any findings that have been reported to his Department?

Mr Poots: A course of work has been carried out on the autism strategy, and we are part of the consultation. We need to identify the needs of people with autism and how we address those needs. Bringing all the groups together to enable us to have those discussions will give us considerably more information by working closely with the voluntary sector in the delivery of the strategy. We will continue with that course of work.

We had a recent conference on autism. As part of that, experts from other parts of the world were in Northern Ireland, and they appreciate the work that we are doing. They recognise that the private Member's Bill that was passed in the Building to deliver the Autism Act (Northern Ireland) 2011 is an important step in

the right direction, and our Department is co-operating fully with the spirit of the Act.

Mr Gardiner: Autistic children often require a range of professional assistance. When will the multiagency support teams, which are in the schools that received a favourable assessment last summer, be available to the children who need support in every school?

Mr Poots: The education sector will lead on the issue, and the Department of Health will co-operate fully. As the Member rightly points out, a multidisciplinary approach can deliver much better outcomes for children who have autism. Therefore, it is incumbent on us to seek to provide such services to maximise the opportunities for those young people, and to ensure that they achieve as much educationally as they should be able to and are not held back by autism because we are not providing the appropriate support.

Ulster Hospital: Mental Health Services

3. **Mr Hazzard** asked the Minister of Health, Social Services and Public Safety for an update on the South Eastern Health and Social Care Trust's proposals to centralise acute mental health services at the Ulster Hospital. (AQO 4071/11-15)

Mr Poots: The South Eastern Health and Social Care Trust presented its proposals for the location of a single acute mental health inpatient unit to the trust board meeting on 28 November 2012. The trust proposed that a single acute mental health inpatient unit be located on the Tor Bank site adjacent to the Ulster Hospital. The trust embarked on a formal public consultation process, which ran for 13 weeks from 16 January 2013 until 17 April 2013. The trust is analysing responses to the consultation exercise.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. He will probably agree that for the people of south Down to have confidence and trust in these plans, there needs to be adequate transport provision for patients and their relatives, who will be faced with travelling from various parts of south Down to the Ulster Hospital if this proposal goes ahead. Will the Minister give a commitment that transport provision will be taken up in the near future to make sure that that happens?

Mr Poots: Transportation is an interesting issue, because the Department of Health spends around £20 million on transportation. That budget would be better spent directly on healthcare, but if people are not there, you cannot provide the care for them.

More work needs to be done on that area. The trust needs to engage more closely with the Department for Regional Development (DRD) and organisations such as Translink, which are specialists in transport, to ensure that we have appropriate routes in order for people to receive care. The issue of transportation to the Downe Hospital was raised with me recently and the potential for an agreement with Translink to ensure that people could visit the GP facility there. So I recognise the importance of transportation in all of that. Whether the general public are travelling from the south Down, Lagan valley, Strangford or north Down part of the South Eastern Trust, we will ensure that that is available to them.

3.15 pm

Mr Rogers: Will the Minister elaborate on the recommendation to provide at Downpatrick:

"low secure services at a single site ... with minor reconfiguration"?

Mr Poots: That probably means what it says: the more severe psychiatric episodes are dealt with at the Ulster Hospital, so the more intensive care and treatment will be provided at that centre. That is in line with all previous recommendations and with Transforming Your Care, in that psychiatric facilities should be developed alongside hospitals that have all services available.

Sadly, many people who have psychiatric conditions and mental health conditions self-harm. They have other ailments and conditions, which is why it is believed that the unit is best suited to being beside a major hospital. Aside from that, Bamford was very clear that we should reduce stigma, and there will be less stigma if the centre is incorporated in a major hospital as opposed to having stand-alone mental health units.

Ms Brown: What actions have been taken to improve child and adolescent services in Northern Ireland?

Mr Poots: I thank the Member for her question. In 2010, a new adolescent unit, which includes two intensive care beds, was opened at the Forster Green Hospital site. A new 15-place

child and family centre was opened at the same location in 2010, and an additional £1 million was provided in 2007-08 to create crisis intervention teams. Annually, we make an investment in child and adolescent mental health services (CAMHS) of around £19 million, and that follows additional investment in 2012-13 of £2.2 million in the development of primary mental health worker teams, crisis response home treatment services and forensic and gender identity services.

The Department published 'Child and Adolescent Mental Health Services — A Service Model' in July 2012. The Health and Social Care Board (HSCB) and trusts are working on an implementation plan to deliver that stepped model of care, and the Regulation and Quality Improvement Authority completed an independent review of CAMHS in Northern Ireland in 2010. The report was published in February 2011, and it highlighted the progress being made in improving mental health services for children and young people. However, it recognised that there was more to be done and made 38 recommendations for improvement. Those are being taken forward by the HSCB and the trusts.

Paediatric Congenital Cardiac Services

4. **Mr McDevitt** asked the Minister of Health, Social Services and Public Safety for an update on his discussions with Minister for Health James Reilly on the future provision of paediatric congenital cardiac services. (AQO 4072/11-15)

6. **Mr McCarthy** asked the Minister of Health, Social Services and Public Safety for an update on the introduction of a partnership between services in Belfast and Dublin to provide an all-island model for paediatric congenital cardiac services. (AQO 4074/11-15)

12. **Mrs Overend** asked the Minister of Health, Social Services and Public Safety for an update on the future of paediatric congenital cardiac surgery in Belfast. (AQO 4080/11-15)

Mr Poots: Mr Deputy Speaker, with your permission, I will answer questions 4, 6 and 12 together as they all relate to the future commissioning of paediatric congenital cardiac surgical (PCCS) services for the population of Northern Ireland.

I met the Republic of Ireland's Minister for Health, James Reilly TD, on 8 May 2013 to discuss whether there is any scope for flexibility

in the location for the future delivery of this service. I asked Minister Reilly to give consideration to a two-centre model, potentially providing PCCS services in both Belfast and Dublin. Consideration of that proposal is continuing at official level to determine whether such a model would be feasible. I will inform the Assembly of the outcome when I announce my decision, which I hope to expedite, on the future commissioning of the service.

Mr McDevitt: I thank the Minister for his reply and acknowledge the work that he has been doing on this matter. Does he believe that there is possibly a more ambitious and innovative framework than that identified in the expert working group's report and one that would, hopefully, mean some form of surgery being maintained here in Belfast and could mean the creation of a two-site integrated clinical network?

Mr Poots: Two issues have to remain right at the top of our agenda: quality and safety. I suspect that the one-site model will maximise quality, but it may not maximise safety. We cannot look at one without the other. You could have all the experts based on one site and the children who get there in an appropriate time all treated there, and we would get better outcomes. However, we have the issue of children who have to travel considerable distances. I hear people say that people who travel from Wexford or Cork will have to travel even further than children from Northern Ireland, but the fact is that we have had a service in Belfast for all those years and have never had to travel those distances or for that length of time. Therefore, it is important that we take those matters into consideration.

I have people coming to me from the parents' side who suggest that we could be compromising on safety by moving exclusively to Dublin. I have to pay a lot of attention to the clinicians on this issue, and I have clinicians who are also concerned that we should have services in Belfast. That is what I am attempting to deliver at this time. As I indicated previously to the House, I needed the co-operation of the Minister in the Republic of Ireland, and he has been co-operative in allowing that discussion to take place and by looking at the matter further. I do not ever want to raise expectations, but what was previously proposed is not a done deal. I am looking for a different kind of outcome, and I will continue to work very closely with Dr Reilly on the issue.

Mr McCarthy: I welcome the Minister's response so far. Can he assure the House

that, before any decisions are taken, the views of the cardiac clinicians, the Children's Heartbeat Trust and the parents in Northern Ireland will be paramount? I also support the comments that Conall McDevitt made that a two-site system —

Mr Deputy Speaker: I think that the Member has asked his question.

Mr McCarthy: — one for Dublin and one for Belfast — is possible. Is that the Minister's priority at the moment?

Mr Poots: If it is possible, it will be a priority. We have to establish whether it is possible, and, again, that needs the co-operation of colleagues in the South. It would involve a surgical team based in the South travelling to Northern Ireland, and it would involve surgeons based in Northern Ireland being part of a team in Dublin. That would include not only surgeons but anaesthetists and specialist theatre nurses, and so forth. It is about not just the surgeon but the entire team.

It is complicated, but there is a course of work to be done. I can only but hope that that course of work leads to an outcome that will satisfy most people. The people whom I am really aiming to satisfy most are the people who are at the front line in the cardiology departments and who know the issues and the vulnerability of those little children. They will give me qualitative advice to ensure that the best opportunities exist for those children to live and to survive what is an awful illness.

Mrs Overend: Does the Minister accept that emergency surgical intervention has continued in Belfast, and how will he ensure that such prompt emergency treatment will continue in Belfast?

Mr Poots: We can retain emergency treatment only if we retain elective surgery. Some of the emergency surgery is not particularly complicated, but we cannot do it unless we have the people on the site to do it. Buildings in themselves do not save lives, but the people who work in those buildings do. Therefore, it is important that we do our best to ensure that we maintain an element of elective surgery to do that and to be attractive to surgeons.

We need to be part of a larger network. A stand-alone site in Northern Ireland will not do it. I have been criticised by some people from a political perspective for looking to Dublin for assistance. Frankly, I could not care less where I look to, if it saves the lives of children. I

will work with Dublin or wherever else to ensure that we deliver the best possible service. I very much want to retain some elective surgery in Belfast, which will ensure that we can support those emergency situations. However, I need the co-operation of others at this time. Certainly, they are co-operating in the discussions, but we are not at the point of reaching outcomes and, therefore, it would be wrong to raise expectations.

Mr Dunne: I thank the Minister for his answers. I understand that a considerable number of paediatric operations are carried out in Dublin at present. Is the Minister satisfied with the quality of care offered in existing hospitals?

Mr Poots: One of the issues that we needed to tackle at an early point was to test the quality of service that was available in the Republic of Ireland, because it does not use the same recording system as is used in the UK. Work has been done on that, and there is satisfaction that there is no compromise on safety or quality by using the service in Dublin. That is absolutely critical and important.

At present, quite a number of children have to go to Birmingham because more complex surgery requires it. Quite a number of children from the South of Ireland go to Birmingham as well; so, there will be the potential for more children from both Northern Ireland and the Republic of Ireland to have that service carried out in Dublin if more children from Northern Ireland go there, because we can increase the ability of surgeons to carry out those complex procedures because larger numbers are going through. Equally, we can get some of the less complicated procedures from the border counties to take place in Belfast. That is an important element of how we go about things.

Mr Deputy Speaker: I take the opportunity to remind Members that oral questions should not be read.

Ms Boyle: I thank the Minister for his responses thus far. He said that talks are ongoing at official level. Are those talks considering the working group proposal, supported by the HSC Board, for all surgery to go to Dublin? Is the Minister confident that his officials will look outside the box when he is in a position to make his final decision? Go raibh maith agat.

Mr Poots: The discussions are as I outlined: they are on the basis of a two-sided option, with more complex procedures taking place in Dublin and less complicated ones taking place

in Belfast. We will carry out work particularly for children in the border counties. There will be surgical services in Belfast but also cardiology services in the South West Acute Hospital, Altnagelvin Area Hospital — and Craigavon Area Hospital is the other facility. So, there is a series of pieces of work that we will do to support children living in border counties, should it be acceptable to the Republic of Ireland's Government.

facilities, because it would enable GPs to be stakeholders as opposed to just tenants of the Government. There are some significant advantages to it, aside from the fact that we are able to deliver the programme more quickly than waiting for capital funding to come from Westminster.

Health and Care Centres

5. **Mr Hilditch** asked the Minister of Health, Social Services and Public Safety for an update on the proposed locations for new health and care centres. (AQO 4073/11-15)

Mr Poots: I envisage a system of health and care centres across the region in a hub-and-spoke configuration, with the hubs having a wider range of services, as illustrated in 'Transforming Your Care: Vision to Action', the consultation document. At this stage, it is not possible to provide details of the full model across the region, as work is underway to determine the configuration and services to be provided and it will be some months before that work comes to a conclusion.

Work is already underway in Banbridge, Ballymena and Omagh, and procurement is scheduled to begin soon in Lisburn and Newry. The existing infrastructure will form the basis of future provision in many cases; for example, a number of existing health and care centres will form hubs for their area, such as those in Belfast and Portadown.

Mr Hilditch: I ask the Minister to consider the situation in Carrickfergus. Would he consider it as the location for a new health hub?

Mr Poots: 'Vision to Action' has set out an indicative model that includes: Bangor, Newtownards, Downpatrick, Lurgan, Kilkeel, Armagh, Dungannon, Lisnaskea, Enniskillen, Strabane, Waterside, the city side, Limavady, Coleraine, Magherafelt, Cookstown, Antrim, Larne, Whiteabbey and Carrickfergus.

Mr Poots: At this stage, it probably is. We can use recurrent funding to carry out capital projects, and we are allowed to use up to 5% of our recurrent funding to do that. Therefore, we have lots of scope to stay within Government and Treasury guidelines on that issue. At this stage, yes, we are probably more reliant on going down the route of third-party development. It may give us some greater flexibility in persuading GPs to move into such

3.30 pm

(Mr Speaker in the Chair)

Private Members' Business

Civil Service (Special Advisers) Bill: Further Consideration Stage

Clause 2 (Special advisers: serious criminal convictions)

Debate resumed on amendment Nos 1 to 20, which amendments were:

No 1: In page 1, line 13, leave out "Commissioners" and insert "Department of Finance and Personnel".— [Mr Allister.]

No 2: In page 1, leave out subsections (4) and (5).— [Mr D Bradley.]

No 3: In page 1, line 22, leave out "Commissioners" and insert "Department".— [Mr Allister.]

No 4: In clause 3, page 2, leave out lines 4 to 11 and insert

"(1) This section applies where an appointment, or proposed appointment, of a person as a special adviser is referred to the Department under section 2(2) or (5).

(2) The Department must, within 14 days of the referral, establish a review panel and refer the matter to it.

(3) The review panel must determine whether the person is eligible for appointment as, or to continue to hold appointment as, a special adviser.

(4) The person is only eligible if the review panel is".— [Mr Allister.]

No 5: In clause 3, page 2, line 6, leave out from "or" to end of line 7.— [Mr D Bradley.]

No 6: In clause 3, page 2, line 9, leave out

", or to continue to hold appointment as,".— [Mr D Bradley.]

No 7: In clause 3, page 2, line 11, leave out

", or to continue to hold appointment as,".— [Mr D Bradley.]

No 8: In clause 3, page 2, line 17, leave out from "contrition" to the end of line 18 and insert

"regret for and acknowledgement of, and accepts the gravity and consequences of, the offence to which the serious criminal conviction relates,".— [Mr D Bradley.]

No 9: In clause 3, page 2, line 19, leave out paragraph (b) and insert

"(b) whether the person has demonstrated, where applicable, a commitment to non-violence and exclusively peaceful and democratic means for political change,".— [Mr D Bradley.]

No 10: In clause 3, page 2, line 23, at end insert

", in consultation with the Commissioner for Victims and Survivors.".— [Mr D Bradley.]

No 11: In clause 3, page 2, line 23, at end insert

"(d) any information which the proposed appointee wishes to submit in writing.".— [Mr D Bradley.]

No 12: In clause 3, page 2, line 24, leave out "Commissioners" and insert "Department".— [Mr Allister.]

No 13: In clause 3, page 2, line 26, at end insert

"(5) The Department must—

(a) appoint independent persons to be members of the review panel,

(b) pay those persons such fees, allowances or expenses as appear appropriate,

(c) provide the review panel with staff, accommodation or other facilities as appear appropriate.

(6) A review panel may regulate its own procedure.

(7) A review panel only remains in existence for so long as is necessary for it to exercise its functions.".— [Mr Allister.]

No 14: In clause 4, page 2, line 28, leave out "the Commissioners" and insert "a review panel".— [Mr Allister.]

No 15: In clause 4, page 2, line 32, leave out "Commissioners" and insert "review panel".— [Mr Allister.]

No 16: In clause 4, page 2, line 34, leave out "Commissioners" and insert "review panel".— [Mr Allister.]

No 17: In clause 10, page 4, leave out lines 28 and 29.— [Mr Allister.]

No 18: In clause 11, page 4, leave out clause 11.— [Mr D Bradley.]

No 19: In clause 12, page 5, line 2, leave out "Sections 2(5), 3, 7, 8" and insert

"Sections 1, 2(5), 3, 4, 5, 7, 8, 9".— [Mr Allister.]

No 20: In the schedule, page 6, leave out the schedule.— [Mr D Bradley.]

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom leanstan ar aghaidh ón áit ar fhág muid é roimh an sos. I will continue from where I left off earlier. I was beginning to deal with our amendment No 8, which replaces the concept of "contrition" with that of:

"regret for and acknowledgement of, and accepts the gravity and consequences of, the offence to which the serious criminal conviction relates".

We had quite a bit of detailed discussion about that earlier. Mr Attwood very clearly outlined our party's attitude in bringing forward the amendment. To my mind, there is a certain religious connotation to the word "contrition", which does not sit well in the legal context. Allied with that is the fact that it is virtually impossible to measure or test contrition in any way other than that, which is, at the end of the day, entirely subjective. I think that I made that point earlier. We should be attempting to adhere as far as possible to that which can be, to as great an extent as possible, objectively verified. The wording that we propose removes the quasi-religious connotation from the criterion and expands it in a way that allows the panel a more effective form of adjudication.

Amendment No 9 proposes that the person demonstrates:

"a commitment to non-violence and exclusively peaceful and democratic means for political change".

The original paragraph (b) required the person to take all reasonable steps to assist in the investigation and prosecution of all other persons connected with the commission of the offence. The difficulty with the original paragraph, which currently stands part of the Bill, is that once again it is very difficult to assess the extent to which that has happened. What is reasonable for one person may not be reasonable for another.

Judging by what Mr Allister said, the best arbitrator in these matters is probably the PSNI. I am sure that the last thing that the Chief Constable desires at this moment in time and probably at any time in the future is to be dragged into what could become a highly charged political matter. We have seen the Civil Service Commissioners shy away from a role in this Bill, and it is not difficult to imagine that the PSNI would recoil even further. Once again, what we have proposed is in keeping with the approach of the Good Friday Agreement, and we believe that it is verifiable in an objective manner.

The amendment to page 2, line 23 proposes that appointees submit additional information in writing, which may include written references from third parties. Mr Allister was somewhat dubious about that particular amendment. We do not see any major difficulty with it, because it allows potential appointees to submit written references, which is not an unusual part of an appeals process.

The second set of amendments that the SDLP has proposed are largely consequential on those that I have mentioned.

We have constantly argued through the course of this Bill that there is a need for a fair and equitable appeals procedure. To give him his due, Mr Allister has responded and introduced an appeals mechanism, albeit one that we believe is extremely rigid and would afford any person using it very little chance of success. As I said in an earlier intervention, the very point of an appeals mechanism is that it should afford an aggrieved party a reasonable chance of success. If it does not, there is little point in it being there.

As I said, we have tried with some limited success through the amendments at Consideration Stage to shape a fair appeals mechanism, and we are trying again to do likewise at this stage. I believe that, throughout the course of the Bill, the SDLP has tried to be fair to those who are affected by the provisions of the Bill either directly or indirectly. We

appeal to members of the parties to do likewise and to support —

Mr Allister: Will the Member give way?

Mr D Bradley: Yes.

Mr Allister: The Member has not amplified amendment No 10, the one that adds consultation with the victims' commissioners. Will he give the House the benefit of an explanation as to that particular amendment?

Mr D Bradley: I will not, in fact; I am going to leave that to my colleague Mr Maginness to do during the course of his speech. I am sure the Member will be quite happy to hear what Mr Maginness has to say.

What is the deeper truth about this Bill? I believe that we must now ethically and comprehensively address the pain of the past.

I note that the Office of the First Minister and deputy First Minister (OFMDFM) proposal is to convene all-party talks. The SDLP will fully commit to and participate in those, but do we believe that Sinn Féin genuinely believes in a process of truth and accountability, individually and collectively, for those who were in command and control during the terror? No, I do not believe that to be the case. Do we believe that the DUP genuinely believes that those in command and control of the RUC, the UDR, the army, MI5 and others responsible for state violence —

Mr Weir: On a point of order, Mr Speaker. The Member can challenge the bona fides of various parties to his heart's content, and I appreciate that others have strayed away from it as well, but, Further Consideration Stage is meant to address the merits or otherwise of the amendments rather than being a long walk down the broad areas of dealing with the past or even the merits of the Bill itself.

Mr Speaker: I thank the Member for his point of order. If the point of order had not been raised, I was going to intervene anyway. I ask all sides of the House to stick to the ramifications of the Bill and the amendments. The Member has slightly gone outside the confines of the debate that is before the House. I remind all Members to come back to the business of the House, which is the Bill and the amendments. I ask the Member to continue.

Mr D Bradley: Thank you very much, Mr Speaker. I was responding to some comments that came from that side of the House to the

SDLP during the debate. Mr Speaker, I accept your ruling on this matter, but my response to my rhetorical question is no, we do not believe it.

We need to deal with the past ethically and fully, but if it is not on these principles, it only means further pain for the victims. It is for all parties, the two Governments and the survivors to shape how the past is addressed. I believe that Dublin should join us in doing so.

To conclude, I hope that my arguments and our amendments prevail here today. As I said in my remarks earlier, we stand with the victims, and we stand with the proper process of law. If we cannot achieve that, the SDLP will oppose the Bill and ensure that the wrong process will not pass.

Mr Elliott: I pay tribute to Mr Allister for bringing the Bill so far through this process and through this Chamber. I appreciate the amendments that Mr Allister has brought forward, and I have some sympathy with his frustration as to why he has found it necessary to bring these amendments. I know that he has tried to get an answer from the Secretary of State, but he cannot take the chance to go ahead on that basis without making these amendments. I hope that the Secretary of State or her predecessor may take a more positive view of his position at a later stage.

Just briefly, on the SDLP, I am pleased that it is continuing to engage with the process and to bring forward its amendments. There is nothing wrong with that. That is not to say that I support all its amendments, and I am happy to discuss that in a few minutes, but I am slightly concerned by Mr Bradley's last comments indicating that if the party does not get what it wants, it will take the ultimate step of totally opposing the Bill. I do not think that would be in the best interests of anybody here or in wider society in Northern Ireland.

3.45 pm

The Ulster Unionist Party will be supporting Mr Allister's amendments because they are technical and were proposed because he has not had answers from the Secretary of State.

I want to deal with a number of SDLP amendments. There has been significant debate on amendment No 8. I do not support it because it would weaken the Bill and make it easier for people to give a commitment, to a degree, about how they have moved on or how they may want to see the process move on.

Mr McLaughlin described at some length almost everything that happened in this society, except the amendments to the Bill. I do not know how he related everything to it, but he spent quite a while talking. I am concerned that he kept referring to the past while wanting to move to the future. I suppose you have to do that to some degree, but he kept referring to a truth commission and dealing with the past. We, on this side of the House, are absolutely clear that we will not get the truth about what happened in the past. Even the deputy First Minister, when giving evidence to the Bloody Sunday inquiry, would not provide the evidence or information required and asked of him. So, how can we have confidence that you would get the truth from some people in this society?

Amendment No 9 would also significantly weaken the Bill. It suggests taking out a part of clause 3, which I believe is vital and fundamental to the Bill, and replacing it with something much weaker. They are going to throw the baby out with the bath water, and because this may not be accepted by the majority of the House, they will vote against the Bill in its entirety. I ask them to reconsider what Mr Bradley just said in that respect.

Mr Wells: Will the Member give way?

Mr Elliott: Yes, I am happy to give way.

Mr Wells: Many Members on this side of the House were very disturbed by Mr Bradley's comments, because, implicit in them, was an indication that he was going to use a petition of concern to kill off the Bill. That is the only way that the SDLP, given its numerical strength in the House, can do that. Many Members would be interested to know exactly what he meant by the last sentence of his speech. If that is what he is planning to do, there is very little sense in us going any further debating this because the implication is that the Bill would be killed stone dead by that mechanism. If he does get a chance to get to his feet later, we would all like to know exactly what he meant by that comment.

Mr Elliott: Thank you, Mr Wells, for that intervention. That is a matter for Mr Bradley and the SDLP to answer. I cannot answer for them.

Amendment No 9 states:

"whether the person has demonstrated, where applicable, a commitment to non-violence and exclusively peaceful and democratic means for political change,".

You just cannot commit for the sake of political change. If you are going to commit to anything, you must commit wholly. It does not matter whether it is for political change or otherwise; it must be total commitment to non-violence. Unfortunately, that is what has happened in this society over the past number of years: people have committed solely for personal political benefit, whether for themselves, from a party perspective or as a result of their particular persuasion.

That has not helped the process since 1998. I believe that people have not moved on; they have taken what they can from the process but have not delivered anything back. As I have said previously, they have involved themselves in cultural warfare, which they are continuing in Northern Ireland. I am sorry, but you cannot have that change merely for the sake of political correctness. If you are going to have it, you must have it without any exception whatsoever.

Amendment Nos 10 and 11 are SDLP amendments. I listened to Mr Allister question Mr Bradley on the issue near the end of his speech, and I know that Mr Maginness is going to deal with it. I will be interested to hear that, because we are not ruling out the possibility of supporting amendment No 10, but I want to hear what it is about. I want to hear whether it is a consultation process only with the victims and survivors' commissioner or commissioners, because that is very important. I do not want it to be a process that will weaken or limit the strength of the real victims in society. If it is, I will not support that process, but if it is genuinely a consultation process only —

Mr A Maginness: I thank the Member for giving way. Our view is that this will strengthen the views of victims in so far as they will have the professional services, assistance and help from the victims' commissioner. It seems to us to be reasonable and logical that such an office should be available to assist victims. Mr Allister referred to the idea of it being a conduit. In essence, it would be a conduit for victims to express their views through the good offices of the victims' commissioner.

Mr Elliott: I thank Mr Maginness for that partial clarification. I listened to Mr Bradley say that he and his party are supportive of victims. I accept that, and I know that he has demonstrated that in motions he has tabled in the past. However, Mr Maginness has still not answered my point, but I am sure that he will later. My question is this: will it in any way weaken the position of those victims and survivors? They may be curtailed in what they can put forward, in what they can say and in what they can do by the

advice that they will have to take from the victims' commissioner or commissioners. Again, I am quite happy to listen to the arguments of SDLP Members and be open to them at a later stage, when that comes forward, before we make a final judgement.

Amendment No 11 is quite similar in that it adds a point. I am concerned that that amendment will give the proposed appointee an advantage in that he or she will be able to give a written submission, but people in a different position may not have that opportunity. I will be listening carefully to what Mr Maginness and others in the SDLP have to say about that, because I would not want the proposed appointee to have a specific advantage in this case over those who may not want the person to be appointed or, indeed, those from the legal perspective. I am extremely concerned about that amendment, but I am willing to give it a fair hearing when the Member speaks.

Mrs Cochrane: I welcome the opportunity to speak on the amendments to the Bill. Special advisers (SpAds) are important and sensitive appointments. As such, although we respect the considerable discretion given to Ministers regarding appointments, there are, nevertheless, aspects that are matters of public interest.

There is a clear lack of public confidence in the current system, and there is a perception that special advisers are exempt from controls and accountability. For that reason, there is merit in improving the appointment protocols. As I suggested at previous stages of the Bill, that probably could have been achieved by placing the code of practice on the appointment of SpAds on a statutory basis. That would have ensured a vetting procedure in line with the procedure applied for other Civil Service appointments. Indeed, the appeal mechanism that is now included in the Bill brings the procedures more in line with the Department of Finance and Personnel (DFP) protocol. I therefore have no objection to Mr Allister's amendments about referring the appointments to DFP for a panel to consider.

I will move on to the amendments proposed by Mr Bradley and Mr Maginness, which appear to remove the Bill's major vulnerabilities, namely the areas open to legal challenges. Of course, we do not want to pass a Bill that will, inevitably, end up being legally challenged and, in essence, provide only an income for lawyers.

Although I take on board Mr Allister's comments on amendment Nos 2, 5, 6, 7, 18 and 20, and that he says that it is a prospective Bill, I still

have concerns about its retrospective implications and that it may fall foul of article 7 of the European Convention on Human Rights. Retrospective laws have previously been accepted by the court only when they have been in order to strengthen public safety. There has been much discussion during the debate on the Attorney General's evidence to the Committee. I listened to the points made by Mr Allister and Mr Girvan, but I am still not sure whether the Bill would merit the application of a retrospective approach.

As for amendment Nos 8, 9, 10 and 11, I am content to accept amendment Nos 10 and 11. I could, probably, also accept amendment No 8, which uses language akin to that contained in vetting procedures for civil servants. It does not simply replace the word "contrition" with "regret"; it goes on to say that the person shows:

"acknowledgement of, and accepts the gravity and consequences of, the offence to which the serious criminal conviction relates."

Again, there has been much debate on that issue today. It is worth noting that any of those states — regret, remorse or contrition — are quite difficult to prove. It will, therefore, be up to the panel to have regard to that point. The onus will be on it to assess whether the definition of regret goes further.

Finally, on amendment No 9, let me make it clear that Alliance supports the Good Friday Agreement and accepted the logic for the early release on licence of prisoners convicted of paramilitary offences before 1998. Not only did we support the Good Friday Agreement, we supported the St Andrews Agreement, which committed the two Governments to working with businesses, trade unions and ex-prisoner groups to produce guidance for employers in order to reduce barriers to employment and enhance the reintegration of former prisoners. That is a recognition of the much reduced risk of re-offending in a difficult political context. However, it does not mean that we excuse what they did.

Therefore, we cannot accept amendment No 9, which would remove the criterion to expect the assistance of those connected with an offence in its investigation and prosecution. Surely, that is the key point in determining whether an individual has real regret for what he or she has done.

Mr Weir: It is fairly clear that the amendments fall into three categories. In the first are

amendments tabled by Mr Allister, which relate, largely, to the appeal process. In the second are a number of amendments from No 2 onwards tabled by the SDLP, which relate to the retrospective aspect of the Bill or, indeed, its implications for anyone currently in post. The final set contains amendment Nos 8 to 11, which have a different context and deal with other aspects. I want to deal with each of those areas.

I will deal with Mr Allister's amendments first. They seem to me to be quite sensible, and my party is happy to support them. It is clear that, in any situation in which there is potential loss of employment, an appeal mechanism is necessary. That was accepted by the House at Consideration Stage. Therefore, I think it right that the Assembly, having accepted that principle, puts meat on the bones by putting in place a process of appeal.

I think that one Member who spoke previously took the wrong attitude to the purpose of an appeal. It was possibly Mr Bradley who said that he wanted an appeal mechanism that had a reasonable chance of success. The issue is not whether an appeal has a good chance of success in individual circumstances. Ultimately, an appeal mechanism should be based on whether the law and, indeed, the reasons for either dismissal or refusal were applied correctly in the first place. That is the key test that should be put in place.

It seems to me that that could have been done in one of a number of ways. Mr Allister mentioned that his initial thought was to have the Civil Service Commissioners. There appears to have been difficulty in obtaining a clear-cut view from the Secretary of State and the Northern Ireland Office on whether that would be an appropriate way forward. To some extent, they seem to have dodged the bullet.

4.00 pm

The mechanism whereby the Department of Finance and Personnel sets up an independent panel seems to be a perfectly adequate way forward. Indeed, it could be argued that what is proposed here brings the Bill a lot closer to what was originally envisaged by the Finance Minister, Mr Wilson, through the mechanisms that he put in place prior to this legislation. I therefore have no particular problem in going along with it. I think that it would have been wrong — mention was made of this — to allow for an appeal at the whim or grace and favour of a Minister. What is proposed here, however, is an independent panel, which seems to be an entirely sensible way forward. We are therefore

happy to accept the amendments standing in the name of Mr Allister.

I now turn to amendment Nos 2, 5, 7, 18 and 20, which are largely contingent on the principle of whether this should apply to those currently in post. I have to say that at the heart of the Bill and the discussion on the amendments is the Mary McArdle case. There is no getting away from that. I think that the impetus for the legislation may not have been there had it not been for that case, and it certainly brought things into focus. I therefore question the SDLP's thinking behind the amendments.

During Mr Bradley's speech, I and then Mr Allister directly posed this question: would the SDLP be bringing these amendments if Mary McArdle were still in post? On the first occasion, Mr Bradley attacked the DUP, the Ulster Unionist Party and the Alliance Party generally for continuing to remain in government while those special advisers were in place. On the second occasion that Mr Allister asked that specific question, which was again ignored it. Indeed, Mr Bradley took a leaf out of Father Ted's book when he taught Father Jack to say the line, "That would be a hypothetical matter" when confronted by the bishops. That is a slight variation on what Father Jack had to say, but the bottom line is that Mr Bradley dodged the question. The reality is that the SDLP was embarrassed to give an answer and say what the motivation is behind its amendments.

Ultimately, there are only two answers to explain the purpose behind the amendments. The first is that if Miss McArdle were still in post, the SDLP still would have tabled the amendments, in which case it would have to face up to an acknowledgement that, despite the situation with the Travers family, it would be happy for Miss McArdle to remain in post. The alternative is that the removal of Miss McArdle from post has facilitated the amendments, in which case, the SDLP would effectively be saying — this is the conclusion that can be drawn — that although all victims are equal, some are clearly more equal than others, and, indeed, that it is prepared to make amendments if they apply to a current special adviser in a less high-profile, less embarrassing case.

Although I strongly disagree with the position of the party opposite, Sinn Féin, at least it has been absolutely consistent. Whether it is Mary McArdle or someone else who is in post or who could come into post, it has been absolutely clear-cut in its opposition to this, full stop. However, it seems to me that the purpose of the SDLP amendments is to cover a situation in

which somebody in post has been involved in a less embarrassing, less high-profile terrorist incident.

Mention has been made of legal challenges. There is no doubt in my mind that there will be legal challenges if the Bill goes through. There is no getting away from that. I am sure that there will be legal challenges on any appointment, current or future, and the courts will have to deal with that. However, for the SDLP to try to cover its embarrassment by using —

Mr McGlone: Will the Member give way?

Mr Weir: I am happy to give way.

Mr McGlone: I find it rich that Mr Weir is giving us an instant lecture about Mary McArdle — important though that point is — given that his party sat in government, and his Ministers sat at Executive meetings, with advisers from Sinn Féin. It is its choice to pick its advisers. The only reason that the DUP is raising this now is because Mr Allister is breathing down its neck.

Mr D Bradley: You are running scared.

Mr Weir: I think that you will find that —

Mr Humphrey: You know all about that.

Mr Speaker: Order. Allow the Member to continue.

Mr Weir: I am sure that even Mr Allister will acknowledge that, as welcome as the legislation is, the Finance Minister brought forward procedures prior to the legislation being proposed.

I note that, for the third occasion — and one could almost hear a cock crowing in the background — the challenge is there to the SDLP: would it have brought the amendments if Mary McArdle were in office? There is silence from the SDLP; it refuses to answer the question.

Lord Morrow: Let us hear you.

Mr Speaker: Order.

Mr Weir: If the Member is happy to give us a straight yes or no answer to the question of whether the SDLP would have brought the amendments if Mary McArdle were in place, I am more than happy to give way to any

member of the SDLP. It appears that silence is golden.

Mr Elliott spoke about the quite disturbing remarks of Mr Bradley at the end of his speech. I am happy to give way at this stage, or I will wait for the remarks of Mr Maginness, who will be the next member of the SDLP to speak. If I quote Mr Bradley correctly — and the Hansard report will correct me if I am wrong — his final words were that the SDLP will:

"ensure that the wrong process will not pass."

We need to get some clarification, because, otherwise, we are simply going to be wasting our time. Is that an indication that if the SDLP does not get its way with the amendments that it has put before us today, particularly on the issue of retrospection, it will sign a petition of concern or allow some of its members to do so, which will block the entire Bill? All of us who are going through this process deserve an honest answer.

Mr D Bradley: Will the Member give way?

Mr Weir: I am happy to give way.

Mr D Bradley: If we look at the history of the Bill, the DUP was silent about Sinn Féin special advisers until Miss McArdle was appointed. Then, suddenly, its Minister came up with new regulations and a code of practice for the appointment of them. Then, Mr Allister — Mr Scary to the DUP — came forward with his Bill — *[Interruption.]*

Mr Speaker: Order.

Mr D Bradley: Then, suddenly, the change takes place.

Mr Speaker: Order.

Mr Wells: *[Interruption.]*

Mr Speaker: Order. Members should not debate across the Chamber. Members should call other Members by their appropriate names in the House. I have made that ruling on several occasions.

Mr Hamilton: It is Mr Grumpy. *[Laughter.]*

Mr Allister: It is Jeremiah.

Mr Speaker: Order. Even when it comes to parties, proper names should be used.

Mr D Bradley: On a point of order, Mr Speaker. I am quite willing to abide by your ruling and withdraw that remark. I see that Mr Allister is very upset by it. [*Laughter.*]

Mr Weir: Yet again, I note that, when given the opportunity, it is another dig at the DUP and possibly one at Mr Allister. Maybe Mr Maginness will deal with it in his speech. If the amendments do not pass, Mr Bradley stated that the SDLP will:

"ensure that the wrong process will not pass."

I simply seek a degree of clarification. Before we have the votes today, in the absence of the SDLP amendments passing, will it block the Bill by signing a petition of concern? Everyone in the House, let alone those who show an interest in the issue, deserves a straight and clear-cut answer before we reach that point.

Mr Wells: Will the Member give way?

Mr Weir: Yes.

Mr Wells: Does the Member accept that, in previous debates, when Members have been considering the submission of a petition of concern, they have always been honest with the House and made it very clear that that is what is going to happen? Clearly, if that is the intention of Mr Bradley, he is duty bound to tell us that. It would change what many of us would do. Frankly, there is no sense in researching for a long contribution to the debate and making your points known when you know that the Bill has absolutely no chance of proceeding. He knows that only one member of his party — from the constituency of Foyle, for example — needs to sign that petition of concern and the Bill is killed stone dead. Will he please tell us exactly what he meant by the last sentence of his contribution?

Mr Weir: I thank the Member for his intervention. I am sure that the SDLP's position is not driven by any maverick voices or local difficulties in any part of the world. Indeed, I am sure that it is a highly principled position because, obviously, it has backed the Bill up to now. One assumes that any volte-face on the Bill that goes the additional step of submitting a petition of concern would be driven by high principle and not an attempt to keep any individual member on board. However, we wait for the elucidation of Mr Maginness before we get to the end of the debate.

It strikes me that much has been made of the idea of moving forward and looking towards the future rather than to the past. It seems to me, in supporting the Bill, that Mr Allister's amendments represent a movement forward. The Bill moves us towards normalisation. Can we think of anywhere else in the world where a special adviser would be appointed or allowed to remain in post if that person had a very serious criminal conviction? Do we imagine that, if it were suddenly found out that one of the special advisers to, for example, Mr Clegg or, indeed, any of the Ministers down South had been convicted of murder, rape or serious theft, that that person would remain in office for a single day longer? No; I think that they would be summarily dismissed. Therefore, I believe that what we are talking about, with the facilitation of an appeals mechanism, is something that brings a degree of normality.

I turn to the last set of amendments: amendment Nos 8 to 11. I will touch on amendment Nos 10 and 11 first. I appreciate the fact, as have other Members, that Mr Maginness will give us more detail on amendment No 10. Throughout the debate, there has been a slightly opaque quality to amendment No 10. If it is simply to provide a support mechanism to victims, I do not think that there is a major problem. The concern with the amendment as drafted is that it should not become a sort of filter mechanism that acts as a barrier to victims. As all of us know from dealing with victims, they hold a massively wide and diverse range of views. Although there has been broad acceptance of the victims' commissioner, I suspect that that range of views includes attitudes towards to the Commissioner for Victims and Survivors. Some victims will believe, rightly or wrongly, that they do not want anything to do with the victims' commissioner. If it is a question of consultation having to occur in every example, with the Commissioner for Victims and Survivors having direct input, irrespective of whether the victim or the victim's family wants it, it is not something that I would favour. If it is simply about providing a degree of support to the victim, I think that there is something a lot less hostile in it. I wait with interest to hear what is said about amendment No 10. I am not entirely convinced that it is necessary, but I am happy to listen to what Mr Maginness has to say.

Similarly, I have concerns about amendment No 11, which were indicated by Mr Allister earlier. If it is simply to provide the opportunity for somebody to write in, I am not quite sure why that needs to be in the Bill. It may be about adding an additional subcategory. I would be more accepting of that if it related

purely to what is there as a ground and a matter to be considered in relation to paragraphs (a) to (c). At the moment, I am fairly unconvinced about amendment No 11. However, again, perhaps the lucid words of Mr Maginness may convince us that it is tolerable.

I turn to amendment Nos 8 and 9. Again, there has been much discussion, particularly on amendment No 8, about the meaning of the word "contrition". I believe that what is in the amendment, however well intended, weakens the meaning. Contrition, in and of itself, is something that only an individual can give. That is what we are talking about: an individual's appointment. Consequently, by definition, "regret" can mean the same as contrition, but it can also be interpreted in a much wider way. As I said earlier, I can indicate that I regret every death that took place during the Troubles. I can be entirely genuine about that. However, that is not the same as contrition. I cannot offer contrition for it because I was not responsible. Similarly, I could say that I regret the fact that I was never good enough at football to represent Northern Ireland at Windsor Park. I am sure that, the longer I go on, the more that regret may be shared in other parts of the House. I am sure that a lot of us regret the fact that other Members are not in a different profession, but that is another matter. However, that interpretation of regret is not the same as contrition.

However well intended and however much reference is made to the gravity and consequences — I think that it can certainly be accepted that someone could regret the fact that we had the Troubles, acknowledge the gravity and consequences of their actions, regret the offence and, put in a wider context, simply have a blanket regret of everything that has happened, which, by definition, would include the individual actions — that is not the same as remorse or contrition. I have no doubt that amendment No 8, for whatever purpose it was intended, weakens the meaning of that, and I will certainly oppose it.

4.15 pm

Finally, I come to amendment No 9. If there is genuine regret or contrition — whatever word is used in connection with it — to remove any reference in paragraph (b) to people taking all reasonable steps to assist the police seems to fly in the face of showing any evidence of contrition. For a range of motives, we have seen people who, at times, have been involved in major crimes and who, perhaps because of a pang of conscience or for whatever other

reason, have gone at a later stage, many years after that incident, to the police. They have handed themselves in, given a full confession and outlined what happened with respect to their accomplices. There could be a range of reasons for them doing that — some good and some bad — but at least that is some evidence of genuine contrition or a feeling of conscience about what they have done. To remove any element of supporting the police and the rule of law or giving that information to them, again seems to be a retrograde step. Therefore, I believe that we will also oppose amendment No 9.

I do not intend to deviate beyond what is in the amendments. I welcome Mr Allister's amendments and I certainly oppose the bulk of the SDLP's amendments. I am sceptical about amendment Nos 10 and 11 at present, but I wait for the words of Mr Maginness on those issues. I have to say, yet again, that I am looking for a clear-cut steer from the SDLP as to what it means by:

"ensure that the wrong process will not pass."

Mr McKay: Go raibh maith agat, a Cheann Comhairle. Unsurprisingly, I oppose the Bill and all the amendments. I think that that has been the clearest indication from any of the parties. There has been a lot of confusion and acts of contrition and, if I am honest, I have sometimes felt that I am sitting in a confessional box.

To start with, we are at the Further Consideration Stage now, but this is a good example of how not to carry out legislation. Obviously, the previous attempt was botched and the Bill, as it stands, is an incompetent piece of legislation. I noticed that the sponsor of the Bill tried to have a go at the Civil Service Commissioners and said that they should not be let off the hook. However, neither should the sponsor of the Bill: the Member wasted our time at Consideration Stage going through all these amendments that have come to no worth whatsoever. I tell the Member that if he is going to introduce a piece of legislation in the House again, he should do his homework. The sponsor of the Bill needs to get the basics right. Of course, what he is doing now, with this stage of the Bill, is to try to undo what was done at Consideration Stage.

Obviously, a number of amendments have been tabled and there has been some debate about the retrospective aspect of this. Sinn Féin totally opposes the Bill and the amendments as they stand. Of course, it is

also the case that if the legislation is passed on the basis of the TUV amendments, it could end up in court. It would be in breach of European law and would go against the advice of bodies such as the Human Rights Commission and the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO). Of course, it also absolutely goes against the spirit of the Good Friday Agreement.

There have been a number of contradictions between Members' positions now and at Consideration Stage. Then, many Members from the DUP, the TUV and other parties commented on our amendments in relation to OFMDFM. The Bill, they said, needed to be kept out of Departments. It was being thrust into the political arena, and its independence would not be guaranteed were it to go into one of the Departments. However, that is obviously not the case if you give it to Sammy Wilson. It is interesting that somehow Sammy Wilson is considered to be independent by the sponsor of the Bill, whereas Sinn Féin Ministers are not. That is interesting to say the least, but it is perhaps a result of the tag team partnership between Mr Wilson and Mr Allister during the course of this legislation.

In the Hansard report of the previous debate, the sponsor of the Bill said:

"a special panel appointed by political vested interest or that contributes to an appointment by political vested interest is far less likely to command public confidence and deliver an impartial outcome in any such scenario". — [Official Report, Vol 83, No 3, p61, col 2].

So, at that time, Mr Allister said that a panel should not be appointed by a Department because of "political vested interest" because it is less likely to deliver an "impartial outcome". That alone is a good reason for not supporting the Bill proceeding in accordance with the TUV amendments.

At that time also, the SDLP considered transferring this matter to a Department to be the wrong move. Dominic Bradley said that they believed that it was:

"better to take these matters out of the political sphere and arena and rest them with an independent body". — [Official Report, Vol 83, No 3, p73, col 2].

Sammy Wilson's comments were the most interesting of all. He said:

"The one thing that I will say is that an appeal mechanism that in any way involves other Ministers or Members from other parties in setting up the panel or whatever is bound to face derision." — [Official Report, Vol 83, No 3, p73, col 2].

So I find it highly ironic that the Minister and his party will support an amendment that puts this under the Minister of Finance and Personnel, even though he has stated clearly —

Mr Attwood: Will the Member give way?

Mr McKay: Yes.

Mr Attwood: I note what you say; and there is some sort of political interest in what you point out as contradictions on the part of other people, who, I note, have not asked to interrupt you or asked you to take a point. Surely, however, the biggest contradiction is between your approach at Second Stage, when you opposed the Bill on principle and in practice, and when you came back at Consideration Stage with a litany of amendments. That suggested to me, and I welcomed it at the time, that your party was beginning to face up to responsibilities that it had heretofore ignored and rejected. Is not the biggest contradiction in the Chamber that on one hand you oppose something fundamentally in practice and principle and then try to rehabilitate that legislation at Consideration Stage?

Mr McKay: If the Minister really believes what he is saying, he must have come up the Lagan in a bubble. Sinn Féin opposes the Bill outright; we have made that clear at each and every stage and have adopted our tactics at each stage accordingly. That is quite clear; it is on the record. Of course, the SDLP does not have tactics, so I am sure that the Minister is not aware of how they are deployed.

The fact is that there has been silence from the SDLP on how we move the process forward to defend the Good Friday Agreement, which, like the St Andrews Agreement, clearly states that former political prisoners have a place in our society and that there is a need to reintegrate them into communities and to ensure that they have employment opportunities. The way to resolve the outstanding issues with victims is not by setting victims and prisoners against one another, as the Bill intends. There are many other ways of doing that, but the Bill —

Mr Elliott: I thank the Member for giving way. Based on his language, does he accept that

there is a difference between victims and prisoners?

Mr McKay: Quite clearly in regard to the Bill, which sets ex-prisoners against victims. That is a fact, and it is in breach of the Good Friday Agreement and potentially in breach of European legislation. That is why I find it surprising that we have even got to this stage with the Bill. Mitchel McLaughlin set it out quite eloquently earlier when he said that this is almost a pet project for Mr Allister. However, we need to look at the wider issues around truth and reconciliation instead of having debates such as this, which turn into cat-calling sessions and move society forward not one single iota.

Many people were involved in the conflict. The conflict is now over, and we need to ensure that those people, from whatever quarter, are reintegrated into society and that we move society forward. Equally, we need to ensure that victims' needs are catered for and that they receive all the support that they need. That was something that came forward at the Committee; many of those who opposed the Bill's intentions said quite openly that there was some degree of truth to the argument that victims' needs had not been met and that that needed to be focused on. However, setting victims against prisoners and ex-prisoners' groups just does not make sense at all.

Mitchel McLaughlin said that things are moving in the wrong direction. Many parties in this House and many Members have taken contradictory positions. It was interesting that Jim Wells got on his high horse about the Bill and the issues that are before us. He was involved in a meeting in North Antrim at which a convicted member of the UDA was appointed to a senior position in the DUP. He did not oppose that one iota.

Mr Wells: Will the Member give way?

Mr McKay: Yes.

Mr Wells: If being the press officer of a branch of the party in North Antrim is a senior position, all I can say is, well, really? I think there is a world of a difference. I assure the Member that I did not even know the gentleman concerned at the time of the meeting.

Does he not accept that there is a world of a difference between that and the appointment to a post paying £60,000 of someone who was convicted of a heinous murder outside a place of worship? In all this debate, has he ever taken five seconds to consider the enormous

hurt that that decision caused not only the Travers family but the wider community? Has it ever crossed the mind of any of his colleagues that there are people in this Province who have a difficulty about the murder of a totally innocent woman coming from a chapel on a Sunday morning? Has he ever given that any thought? How can he place that alongside the incident that he referred to in Ballymoney, where there was no payment and no senior Civil Service position was granted? It was a totally different set of circumstances.

Mr McKay: I thank the Member for the intervention, although it sounds quite mixed up, to be honest. The issue in Ballymoney, regardless of the level of the appointment in the DUP, is that it was still an appointment. The Member was at that meeting, and his party appointed a person who was convicted of the murder of a party colleague of mine.

At the time, he said that he did not know the person, but he said:

"We have several people in the party who have been in paramilitarism".

I am sure that that remains the case today. I do not know how many acts of contrition that person had to make before being accepted into the DUP, but the point is that the DUP and other political parties, including that of the Bill's sponsor, did not apply the arguments that they are putting forward today when they were overseeing appointments such as the one in Ballymoney.

To conclude, Sinn Féin opposes the Bill and the hypocrisy from many parties in this House. We need to ensure that that hypocrisy —

Mr Weir: Will the Member give way?

Mr McKay: Yes.

Mr Weir: I thank the Member for giving way. I am sorry to drag this back to the amendments that are in front of us. I seek clarification from the Member because I have heard him and the Member from South Antrim. He has chastised the proposer of the Bill for his amendments, but, at best, I have picked up only inferences on where the party opposite stands on the SDLP amendments. I would be grateful if —

Mr McKay: We oppose them.

Mr Weir: Reference has been made to opposing them, but I am not quite clear whether

the Member has indicated that he will oppose them. I would be interested to hear his views.

Mr McKay: I thank the Member for his intervention. We are opposed to the Bill and all the amendments. This Bill is a waste of the House's time. We have spent nearly five hours today talking about what effectively is the sacking of one person from the Office of the First Minister and deputy First Minister when we should be talking about creating hundreds of jobs for the people we represent. Bills such as this are one of the reasons why many members of the public do not understand what the Assembly's priorities are. We need to focus on jobs, the economy, health and those sorts of issues rather than silly pet projects such as this.

4.30 pm

Sinn Féin opposes the Bill. We do not believe that Sammy Wilson should oversee this process. The Minister himself admitted at a previous stage that this would do a disservice to individuals who are appealing:

"because they would not know whether the Committee had been packed or whether it was objective." — [Official Report, Vol 83, No 3, Part 1, p78, col 1].

The SDLP obviously has a choice. We urge the SDLP to co-operate with us in blocking the Bill, particularly if it goes forward today and is amended in accordance with the TUV's wishes. We do not believe that we should move the Bill forward and empower Sammy Wilson, the Finance Minister, to enact this discrimination against ex-prisoners. Sammy Wilson will appoint the independent members of the appeals panel and provide them with staff and offices. As the Finance Minister said at the previous stage, that situation will face public derision.

This Bill opens the door to discrimination. It sets a very dangerous precedent that goes against conflict resolution. It is a slippery slope. We need to deal with the past by having honest debates and not through engaging in political point-scoring or political pet projects such as this.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Beidh mé ag labhairt in éadan an Bhille agus in éadan na leasuithe. I congratulate you on your patience, a Cheann Comhairle. This is one of those debates in which it seems that, the longer a person speaks, the less we seem to be informed. The more interventions that a Member makes, the

less certain that Member seems of their own view. On a number of occasions, you had to remind people that they were straying away from the debate. In many ways, that encapsulates the debate. If they had to focus on the subject of the debate, they might have to give us an informed position and an accepted position.

One big question looms large in this debate: what is the purpose of the Bill? The purpose of the Bill is very simple. It is designed to discriminate against political ex-prisoners. People who try to put up smokescreens and claim that it is about anything else do a disservice to themselves, never mind the rest of us. This is a classic case of discrimination. Those who signed the Good Friday Agreement and those who talked this afternoon about political documents going up in a puff of smoke should bear that in mind. If people vote in favour of this Bill, they are voting against the spirit of the Good Friday Agreement and subsequent agreements. I said this at the previous stage, and I will put it on record again. The Good Friday Agreement states very clearly:

"The Governments continue to recognise the importance of measures to facilitate the reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed towards availing of employment opportunities, re-training and/or re-skilling".

The proposer of the Bill is on the record, over a long number of years, as being opposed to political ex-prisoners getting any type of employment in other circumstances. This is just the latest in that line.

Patsy McGlone gave his view on why the DUP is rolling in behind this Bill. Dominic Bradley called a Member a particular name and then withdrew it. If the SDLP believes that the DUP is rolling in behind Jim Allister because of party politics, or former party politics, it has to ask itself why it is rolling in behind the DUP in this instance.

What is the purpose of their support for the Bill?

Since the Bill became part of the legislative process, it has been put across that it will affect only a small number of people because only a small number of special advisers are appointed, as if that is in some way acceptable. I have said it before and I will say it again: there is no such thing as a wee bit of discrimination; you either discriminate against someone or you do not. I do not think that the sponsor of the Bill would contradict me when I say that he wants

to discriminate against political ex-prisoners. He does not want to see a political ex-prisoner —

Mr D Bradley: On a point of order, Mr Speaker. You outlined earlier that we should address the amendments, and you admonished me, among others, for not doing so. Mr McCartney is completely ignoring the amendments and is involved in a political diatribe.

Mr Speaker: I have listened to the Member's point of order. He would have to agree that Members from all sides of the House have gone beyond the Bill and the amendments in their comments this afternoon. Once again, I remind all Members to come back to the Bill and the amendments.

Mr McCartney: First, I am tempted to say that that smacks of the child —

Mr Mitchel McLaughlin: I will reiterate a point, and you might take the opportunity to develop it. We are talking about the purpose and intent of the Bill, including the purpose and intent if it is amended. In effect, we are talking about encouraging discrimination and disadvantage for up to 30,000 people who have gone through the prison system as a result of the conflict. At the end of the day, that is at the core of the issue. Those who argue about a shared future, particularly the Alliance Party, have to explain what part former prisoners of the conflict have in a shared future.

Mr McCartney: Thank you very much for that intervention.

Mr Speaker: Members from all parties have gone slightly outside the brief in the debate. I remind the whole House that I have allowed quite a bit of latitude because I understand Members' and parties' strong feelings about the Bill. I have allowed as much latitude as possible. That goes for all Members.

Mr McCartney: Of course. We have to be careful that we do not end up like a child in the street saying, "If we are not playing the game to my rules, I am going to take my ball home, and you will not be playing at all". Dominic Bradley's point of order smacked of that attitude.

Amendments have a meaning only in the context of the Bill. Therefore, to understand what the amendments are trying to do, people must have an understanding of the Bill. I declare an interest as a political ex-prisoner, and the Bill is an attempt to discriminate against

political ex-prisoners. I made a point that I want to make to you all again: Mary McArdle was not the first political ex-prisoner to become a special adviser. Therefore, I ask this question of everyone in the House: how many Members here introduced a private Member's Bill about those political ex-prisoners who were special advisers? *[Interruption.]*

Mr Speaker: Order, order. Order in the Chamber. Order.

Mr McCartney: I ask that question to all Members. I heard Peter Weir say earlier —

Mr Elliott: On a point of order, Mr Speaker. I do not see political ex-prisoners mentioned anywhere in the Bill.

Mr Speaker: Order. Once again, I remind Members to get back to the Bill and, in particular, to the amendments.

Mr McCartney: Tom Elliott's point of order makes my point for me. Political ex-prisoners may not be mentioned in the Bill, but ask Jim and go back to Hansard. In every single speech and contribution today, ex-prisoners were mentioned by name and by number. So, do not try to let on and pretend that this is anything but an attempt to stop ex-prisoners from gaining employment. That is what it is about. To the people who talk about small numbers, I say this: if the sponsor of the Bill gets courage from doing this to a small number of people, what is to stop him doing it to more and more people in the future? That is why, in my opinion, the Bill should be stopped in its tracks.

I will ask the question again and make what will be my final point. How many Members have created a private Member's Bill about any other political ex-prisoner who was a special adviser? I am sorry that Peter Weir has now left. He talked across the Chamber to Dominic Bradley about 'Father Ted'. There is a famous and immortal line in 'Father Ted', and I will use it here in relation to that question. How many of you created a private Member's Bill about special advisers? Father Ted told Dougal to listen to the silence. I state very clearly that Sinn Féin and I are opposed to anyone discriminating against political ex-prisoners, and we will do all that we can to prevent that. I am encouraged that the SDLP is perhaps signalling that it will, too. We want the Bill to be stopped in its tracks.

Mr Attwood: I apologise to the House that, although I was here for the first hour of the

debate and will be here for the last hour, I am not fully over whatever transpired in between. Therefore, I apologise that, in some ways, I am responding to only parts of the debate and not the full debate. Consequently, people may portray what I say as a partial response and not a full one, but I am prepared to take that criticism in order to make the points that I intend to make.

Mr McCartney has just told the House that the Bill discriminates against ex-prisoners. I have problems with the Bill, as I tried to outline on behalf of the SDLP in the first hour of the debate, but pretending that it discriminates against ex-prisoners and that that is what it is all about flies in the face of the evidence of the past 20 years. Arguably, as much as any other sector of our community, ex-prisoners have had the benefits, for want of a better word, of the new politics in this part of the world. To portray a Bill, whatever we think of it, as just a measure to discriminate against ex-prisoners, when they have benefited so much over the years since the ceasefires and the Good Friday Agreement, is not exactly being — I want to be careful with my words because I do not want to use any that are unparliamentary — straightforward.

What happened in politics as a consequence of peace? Thousands of prisoners were released, and millions of pounds of European money went to ex-prisoner organisations. Many, including some on secondment, ended up in the Chamber, and many have been in government. So let us nail the lie that there is a global effort to discriminate against prisoners — far, far from it.

In my view, we now live in a context in which a prisoner elite thinks that, if you do not do what they want, you will count the cost in terms of politics and life in the North. There is a prisoner elite who think that they have higher entitlements than the rest of the citizens in this part of the world. Prisoners were released early, got millions of pounds from Europe, and millions more will go towards prisoner groups in the next funding period. So, Mr McCartney, do not convey or pretend to this House, or to those outside it, that there is somehow a global effort to discriminate against ex-prisoners.

Regardless of how the SDLP eventually votes on the Bill, let it also be noted that the SDLP believes that there should not be any elites in this part of the world, be they prisoner or political, in government or out of government. Do not let Mr McCartney or Sinn Féin portray the existence of some sort of global strategy to discriminate against prisoners.

4.45 pm

Mr Mitchel McLaughlin: Thank you very much for giving way. I have a very brief point to make. Will the SDLP accept that ex-prisoners do, in fact, suffer considerable disadvantage when it comes to employment opportunities, pension entitlements, and so on, and that there are very significant burdens that they have to carry through life as a result of their imprisonment during the conflict?

Mr Speaker: Before Mr Attwood rises in his place again, I do not want this to be a debate around ex-prisoners. I have allowed all Members some latitude, but I ask that, as far as possible, whatever Members might say, they relate it to the Bill and the amendments.

Mr Attwood: I thank the Member for his contribution. His reference to the burdens being carried by ex-prisoners will not be lost on anyone. Far, far greater burdens are being carried by far, far many more families in this part of the world because of the activities of certain people that led them to be imprisoned in the first place. That, surely, is the point that has to be made. If there is a balance of burdens, we all know where the greater balance of pain lies. Whatever the difficulties that prisoners have — they do have some difficulties — they are less than the difficulties of thousands of people in this part of the world because of the activities of state organisations and paramilitary groups during the years of state violence and paramilitary terror.

I will go further. Mitchel McLaughlin made a curious point in an intervention to Mr McCartney. Somehow he was portraying the Bill, which deals with a very small category of potential employees, as somehow being relevant to 30,000 ex-prisoners. Again, he was trying to create this worst fear that there is somehow a strategy of discrimination and that one piece of legislation that, at the moment, refers to a very small category of persons could end up somehow having consequences for 30,000 people. That is clearly not the case. If there are issues around what prisoners have to deal with, I am prepared to look at them, but to look at them properly and fairly and not under some shadow from Sinn Féin that, if we do not look at them, we are discriminating against ex-prisoners, one and all. I do not think that that is a fair or proper argument.

Mr McKay said that this is Jim Allister's silly "pet project" and a waste of Assembly time. The SDLP took a different view, and that is why, at Second Reading, we voted to allow the Bill to

go to Committee. We did that because it is the SDLP's view that it is never a waste of the Assembly's time to look at issues around victims and survivors. Whether you disagree with the private Member's Bill or not and whether you want to portray it as a pet project or not, it tried to capture a real and relevant issue, and it was timely to look at it.

Mr McCartney asked, given that the former SpAd to the Culture Minister was not the first political prisoner to be appointed to that post, why no Member had brought forward legislation before. On many issues arising from peace and politics, we did not deal with them before. In 1998, we did not deal conclusively with policing. We did not deal conclusively with justice change. We did not deal conclusively with the range of North/South bodies. We did not deal conclusively with weapons. Just because something was not dealt with previously and was not that high on the political radar does not mean that you do not come back to it. That is why we came back to policing after 1998 with the Patten report and the criminal justice review, and so on and so forth. Just because it was not dealt with earlier does not negate the fact that it should be dealt with later. That is true in respect of this issue because, though it may have been the practice to do something heretofore, it does not mean that there is not a better way and a better practice for the future.

So, the argument that this was not raised before when other ex-political prisoners were appointed, to use Mr McCartney's phrases, does not negate the fact that it is right and timely to have this conversation now. It is right and timely to do so because the Travers family wanted to have the conversation. If there is any standard we should live by in this part of the world, it is to try always to be on the right side of victims and survivors. That is why, when this issue arose, it was relevant, timely and necessary and —

Mr Wells: Will the Member give way?

Mr Attwood: I will in a second.

However, it was utterly irrelevant for Mr McCartney to claim that, because the matter was not raised before, it should not be raised now. I give way to Mr Wells.

Mr Wells: I agree with everything that the Member says. However, had he been in the Chamber earlier, he might have heard the concluding remarks made by the honourable Member for Newry and Armagh Mr Dominic

Bradley, in which there seemed to be an implicit threat that the SDLP might torpedo the Bill, potentially by using a petition of concern. Although the Member's words are, as usual, very fluent, articulate and interesting to listen to, they are all a waste of time if one of his members — from some mythical constituency, such as Foyle perhaps — is considering whether to put his name to a petition of concern that would kill the Bill stone dead.

Mr Attwood: I will deal with that point fully and explicitly later in my contribution; however, I want to deal with the primary point at this stage.

Mr Mitchel McLaughlin: Will the Member give way?

Mr Attwood: I will deal with it. I want to deal with the primary point —

Mr Mitchel McLaughlin: It is a different point that I want to make now.

Mr Attwood: I will let you in. The primary point is the shallow portrayal of debate on this Floor. Whatever the particular content or circumstance of a debate that deals with issues of victims and survivors, it is somehow portrayed by Sinn Féin as silly and a waste of Assembly time. That tells you a lot about the perspective brought to this matter by those who make that point. I give way to Mr McLaughlin.

Mr Mitchel McLaughlin: I thank the Member for giving way. I will be brief. The Member made an interesting comment about revisiting aspects of the agreement and gave some examples of how it has been amended in the past which were very valid and helpful. However, those reviews depended on the three-legged stool of the agreement, which is: the parties that form the Assembly, the British Government and the Irish Government. If that is the process that he describes, I have no difficulty with it. However, if we are talking about bringing it in here, where it will be subject to the, admittedly, partisan approach of the parties, then I think that that is a different kettle of fish altogether.

Mr Attwood: That is a fine technical point. The negotiations on the North/South bodies took place between the parties in this Chamber. The British and Irish Governments had an interest in them, particularly the Irish Government, because they were going to share in those institutions. However, the negotiations were, first and foremost, conducted between the parties in this Chamber in late 1999. Therefore, there will be times when issues require the

wisdom of all the parties and the two Governments. However, there will also be times when they require the wisdom of the parties. That demonstrates that example; and, to somehow suggest that the issue of the ex-prisoners is something that can be dealt with only in the context of both Governments and all parties, is proven to be false by what happened in respect of North/South institutions.

Mr Mitchel McLaughlin: Did it change the agreement?

Mr Attwood: Look at the examples of how Mr McLaughlin and his party attempt to change the agreement, not with two Governments or with all the parties, but simply with their colleagues in the DUP. And look at how Sinn Féin, on a repeated basis and including recently, gets its eye wiped by the DUP when it comes to all those issues.

Mrs D Kelly: I am grateful to my colleague for giving way. I am very relieved that, when he replied to Mr McLaughlin, he did not use the answer, "So what?". That was the answer that they have given to the rest of the parties outside the Executive in recent weeks and days.

Mr Speaker: Order. Members must address the amendments to the Bill. Until now, I have heard very little mention of the amendments. It is very important that Members address the amendments to the Bill. We will try to move on.

Lord Morrow: On a point of order, Mr Speaker. Mrs Kelly referred to the "parties outside the Executive". Which parties is she talking about?

Mr Speaker: Order. Let us move back to the amendments to the Bill.

Mr Attwood: I will come back to the amendments to the Bill, which I touched on in comments that I made this morning. Before doing so, I want to make a point that is crucial in respect of the integrity of the SDLP's position.

As I outlined, I think that there are others who claim integrity but, if you analyse what they said today and what they have done in other circumstances, questions might arise in that regard. However, this is the SDLP's position with regard to integrity on the issue — I think that Mr Allister accepted our good faith, even if we might differ on how that might be expressed in the Bill — and this is what differentiated us from Sinn Féin in the earlier phases of the discussion: we believed that it was necessary to

give greater profile to issues around the past and the needs of victims and survivors.

One family in particular, no doubt representing many others in general, wanted the issue of those appointed as special advisers, whom Mr Allister said had power equivalent to that of a Minister, to be addressed. To show integrity with the families who have that concern, we felt that it was necessary to consider how to manage that issue in the future, given that it was a legacy issue and that there was a process of dealing with it heretofore. Clearly, that process did not reassure that family, nor did it give a sense of reassurance to victims and survivors in particular. That is why we decided to vote in favour of the Bill going forward to Committee Stage. However, we always made the point that, although we would stand with victims and survivors, we would also have to stand for what we thought was right. That was the twin track of the SDLP. As we interrogated the right approach to take, we stood with the families and survivors. However, on the far side of that process, if it transpired that, because of legal or other reasons —

Lord Morrow: Will the Member give way?

Mr Attwood: I will, in a second. If we considered that that approach was not right, that it could fall foul of a legal challenge and that it was not the right model to deal with the issue, we said that we would reserve our position on what we would do when it came to the final vote. That has always been our position.

We went further than that. At Consideration Stage, because of the enormous work done by Alban Maginness and Dominic Bradley with, I have to acknowledge, the Business Office, we crafted a view that we thought would gather a lot more support than it did. We believed that our view was on the right side of the right way, and stood in solidarity with victims and survivors. That is what we were trying to do with the amendments, both today and at Consideration Stage.

We regret that what we thought, and I know that what people in this Building thought, were intelligently crafted and discerning amendments — the result of the great work of Dominic Bradley and Alban Maginness at Consideration stage — did not achieve support in the Chamber. However, we were not prepared to give up on the right way, and we were not prepared to give up on standing with the victims and survivors, which is why we came up with this further series of amendments.

I will deal with the amendments now, but the narrative has to be that, if our amendments create a process that can gather a majority vote in the Chamber, and we think that they can, then we think that you can have a process that is fair and proper on one hand, and, on the other, goes further in respect of solidarity with victims and survivors who feel most affected by the appointment of special advisers.

5.00 pm

In the Chamber this morning, I outlined my view. I take on board some of the points made by Mr Allister. I always think that there are better ways of defining the law and what your intention might be, but, when it comes to a special adviser, our threshold for criteria one is regret, acknowledgement, gravity and consequences. In our view, that is a broader and more inclusive approach than the use of the word "contrition".

Mr Allister has to accept that, this morning, he changed and interchanged words repeatedly and ended up explaining that he had to use a simple way to get across his point because he was told that that was how he had to speak to jurors. We are not jurors; we are legislators. We legislate. We are not here to find the simplest language; we are here to get the right language, the best language and the best outcome. In our view, the words that we have put in our amendment — "regret", "acknowledgement", "gravity" and "consequences" — are much broader than the word "contrition", which could end up being viewed as being politically loaded. We say take that out of it and use words that, in our view, capture precisely the intention of Mr Allister and then go further.

Mr Allister is a lawyer, but all the English-language dictionaries — and we have looked at them — say that the normal understanding of the word "regret" is remorse and contrition. It captures all those words in a way that, arguably, "contrition" does not. Mr Allister said that the courts will not be inclined to view it that way, but the word "consequences" is a broad concept to capture all the consequences of the serious criminal conviction that a potential SpAd may have been convicted of. The word "consequences" includes the legal consequences and responsibilities of a serious criminal conviction.

To go back to something that Mr McLaughlin referred to earlier, in order to embed this all in the democratic will of the people of Ireland, we rely on the words:

"a commitment to non-violence and exclusively peaceful and democratic means for political change."

We think that those amendments are more comprehensive than what is being offered by Mr Allister in his amendments, and we still say to the other parties in this Chamber that if you denied our amendments in the previous stage, these amendments give us a further opportunity to get the right process in place and to ensure that we do right by victims and survivors. However, if we cannot do right in terms of the process, we cannot do right by the victims and survivors. That conclusion will inform the SDLP when it comes to the final vote in this matter at the Final Stage of the Bill.

Mr A Maginness: It has been a very interesting and exhaustive debate, if not exhausting. I will speak largely about the SDLP amendments. They are reasoned and reasonable amendments, and they should find favour with the majority in this House. They are, in essence, victim-friendly. I want to emphasise that point. They are in no way antipathetic to the interests of victims in our society.

If we look at the Good Friday Agreement, we know the centrality that it gives to victims. We know that we should acknowledge their suffering, and we should be sensitive and conscious to their plight.

That is out of the Good Friday Agreement. I do not want to hear any lectures from Sinn Féin on that point; nor do I want Sinn Féin to juxtapose victims with prisoners. That does not help any of us; it does not help the Good Friday Agreement, prisoners or victims. It is shameful that Sinn Féin raises those points.

Mr G Kelly: Will the Member give way?

Mr A Maginness: No; I will take your intervention later. It is shameful that Sinn Féin creates that tension in relation to prisoners and victims. We legislators, deriving our political authority from the Good Friday Agreement, have to balance the interests of victims and prisoners. When we produced these amendments, particularly on the criteria being used in this proposed statute, we believed that we were putting victims at the very centre of those amendments.

We believe that if these amendments are adopted, this will be a better Bill for victims. The nonsense that we have heard about discrimination against prisoners is to be completely dismissed. As Mr Attwood said very

thoroughly, this is not antipathetic to prisoners; it may affect a small elite in a political organisation, but it does not affect prisoners.

In my constituency, where there are many ex-prisoners, there is a great deal of criticism of their situation, and I sympathise with them. They believe that they have been abandoned — not by the SDLP, the DUP or the Ulster Unionists but by another political party.

Lord Morrow: I thank Mr Maginness for giving way. Whatever I say, I do not in any way challenge your sincerity in what you are trying to put across here. However, I do have to challenge you on an issue.

You rightly challenged Sinn Féin on its hypocritical stance. Sinn Féin thinks that it has a monopoly on victimhood and that everyone who ever went to prison is a victim. I would like Sinn Féin to remember that in going to prison, it left a lot of victims behind, and some were not survivors.

Mr Maginness's colleague, Mr Attwood, challenged the hypocritical position that Mr McCartney takes on this, and he cuts no ice with the unionist community when he says that this is directly to tackle one section of the community, namely prisoners. The point for you, Mr Maginness, is this: your party stood shoulder to shoulder with those same people in demanding the release of those who were convicted for the attempted murder of my colleague Sammy Brush, and your party should put its hands up to that. You also stood in another council chamber and demanded that a children's play park be named after one who carried out the most atrocious crimes. Will you, Mr Maginness, from today, denounce that position and make it clear to unionists that that is no longer your position?

Mr Speaker: Order. We need to be careful, as we are straying well outside the amendments to the Bill. Members will know that all Members who spoke and made a contribution had some latitude on this issue.

Mr A Maginness: Thank you, Mr Speaker. Looking —

Mr G Kelly: Will the Member give way now, since he has given way to —

Mr A Maginness: I will certainly. Sorry, Mr Kelly.

Mr G Kelly: I thank the Member for giving way. Let me state my case. I am an ex-prisoner.

Does the Member accept that while no one, apart from Maurice Morrow, is arguing that all prisoners are victims, there are prisoners who have gone through torture and brutality; prisoners who have lost loved ones; prisoners who have been interned, which was not legal and which was not an acceptable way for the law to behave; people who have died in jail; people who have been shot while in custody; and people who have lost their lives in custody? So, does he accept that when he gets up to suggest that ex-prisoners could not possibly be victims, he is absolutely and entirely wrong, because you have to deal with the individual? In all dealings with victims and survivors, we must deal with the individuals involved.

Mr A Maginness: Mr Speaker, if I may answer that point. I have not created the situation of prisoner against victim. I have not done that. Your colleagues in Sinn Féin have created that tension. You have created that situation.

Mr G Kelly: Do you accept —

Mr A Maginness: You have created that — *[Interruption.]* Let me answer. You have asked me a question, let me answer it.

Mr Speaker: Order. Allow the Member to be heard.

Mr A Maginness: I accept that ex-prisoners have suffered; I accept all of that. I do not say that ex-prisoners are in some way immune to suffering. I have never accepted that whatsoever; my party has never accepted that. We are supportive of those who are in need. Anybody who comes to my office gets the same care and compassion that any of my colleagues will give to any other person who suffers in this society and who has suffered as a result of the Troubles.

So, please, do not paint us into a position where we are uncaring or insensitive. I can tell you now that, in my constituency, the sense of abandonment among ex-prisoners is palpable. It is something that I believe Sinn Féin should pay attention to. I believe that we as a political party have attempted at all times to be balanced in our approach, and we will continue to be balanced in our approach.

The amendments before you, particularly in relation to criteria, are particularly well crafted and balanced to try to bring into the criteria that will be used by the independent panel a sense in which it can make a proper assessment of the situation, a judgement based on realistic criteria and in which there is a reasonable

chance of success. We are not saying that a person who is rejected ab initio — initially — should automatically get through, but there should be a reasonable chance of success. I believe that the phraseology of Mr Allister's criteria is such that it does not give that reasonable chance of success. That is why we are opposed to Mr Allister's provision, particularly in clause 3(3)(b).

We have put forward two substantial amendments. Amendment No 8 proposes the insertion of:

"regret for and acknowledgement of, and accepts the gravity and consequences of, the offence to which the serious criminal conviction relates,".

That is to be preferred to Mr Allister's —

Mr Humphrey: I am grateful to the Member for giving way. Shortly before the Member took the intervention from the Member for North Belfast, my colleague from Fermanagh and South Tyrone intervened and drew attention to an issue. I listened very carefully to the words of Minister Attwood when he spoke from the Back Benches. He spoke very passionately.

As a Member and representative of the unionist community, I want to be convinced of the SDLP's bona fides on the issue. That party needs to seriously address the perception in my community that, frankly, it is spooked by Sinn Féin in the run-up to next year's election. So far, it has not addressed the issues of the McCreesh park, the Dungannon vote, Marion Price, and on and on and on. Until and unless it does so, the unionist community and those of us who sit on this side of the House remain unconvinced of the argument that that party is trying to put across, however articulate, heartfelt and passionate it is.

5.15 pm

Mr Speaker: Order. That is a different debate for a different time. It has absolutely nothing to do with the Bill or the amendments. Let us move on, and let us get to the amendments. That is where we need to get to.

Mr A Maginness: I am happy to do that, Mr Speaker. On another occasion, I will certainly address all the points that the Member raised, but this is not the occasion to do so.

I will deal with Mr Allister's provision at clause 3(3)(a), which states:

"whether the person has shown contrition for the offence to which the serious criminal conviction relates".

I know that we have been round the country on the issues of contrition and regret, and so forth. However, I have to say that, in fact, careful analysis of the SDLP's amendment shows that it is a much better and more comprehensive provision in so far as it is not simply a matter of showing contrition or, as we would say, regret, but an acknowledgement of and acceptance of the gravity and consequences of the offence to which the serious criminal conviction relates. Is that not a much broader, deeper and more comprehensive approach than that which Mr Allister has presented in his Bill? I defy anyone to contradict that; it encompasses much more than simply a gesture of contrition.

We have talked about all sorts of words that relate to regret. One word that has not been used, which I think is very important and which regret connotes, is "repentance". That is a very important element in the consideration of the SDLP amendment. I urge Members to consider that fully in their deliberations this evening.

The other point that I have to make relates to amendment No 9. I think that, again, we have stretched ourselves in coming up with an approach to deal with the whole issue of change, somebody starting afresh, turning over a new leaf and actually converting from a position of being involved in violence, an attack or something of that nature. It is important that the person is actually converted in a meaningful way. Earlier, Mr Allister said that it is just a matter of words. The phraseology that we have used is "whether the person has demonstrated". To demonstrate is not simply a matter words. The amendment states:

"whether the person has demonstrated, where applicable, a commitment to non-violence and exclusively peaceful and democratic means for political change".

I think that that is a very considerable test. You do no justice to that amendment if you simply dismiss it as a box-ticking exercise; it is not.

As Mr Attwood said, when we came into the Assembly, we signed a similar commitment on a table over there. All of us in the House made a very important commitment to non-violent, exclusively peaceful and democratic means for political change. You should analyse that very carefully and take it into consideration when deciding which way to vote. Instead of having closed minds and inevitably walking into the Lobby to vote against these amendments, I

hope that Members use the debate to make up their minds, because its whole purpose is to persuade them to make a judgement that I believe will make better law and better statute than this Bill.

Lord Morrow: Will the Member give way?

Mr A Maginness: Yes.

Lord Morrow: I listened carefully to the Member. I take it that Mr Maginness is saying that he sees merit in much of the Bill. Bearing that in mind, I would like to hear him say whether he is prepared to take the same route as his colleague beside him and kill off the Bill?

Mr A Maginness: You heard what Mr Bradley and Mr Attwood said.

Mr Hamilton: Quite frankly, we heard nothing.

Mr Speaker: Order.

Mr A Maginness: I think that what Mr Bradley said is —

Lord Morrow: Kill the Bill off — that is what he said he is going to do.

Mr A Maginness: He did not say that. He stressed the importance of our amendments and of making good law. That is the important project for us here tonight; that is what we have to do.

Mr Wells: Will the Member give way?

Mr A Maginness: I do not think so; I want to advance the argument.

It is important that we make good law. Mr Bradley was emphasising the importance of the principles contained in what we have put forward in making good law, and you should consider that very seriously.

Mr Humphrey: Will the Member give way — briefly?

Mr A Maginness: A brief point.

Mr Humphrey: I am grateful to the Member for giving way. I take his point about Members listening to the debate and being open-minded before they go into the Lobbies. However, if you want Members on this side of House to do just that, you must provide the clarification being sought, because, quite honestly, from

listening to Mr Bradley, Mr Attwood and now you, the message simply is not the same. When Mr Bradley spoke, there was a clear indication that a petition of concern would be used to kill off the Bill.

Mr A Maginness: I have not in any way resiled from what Mr Bradley or Mr Attwood said. We made our points very clearly. It is for you to consider our amendments, the arguments that we put forward and the principles that we highlighted, and then come to the conclusion that the Bill would be better if the SDLP amendments were accepted. Clearly, our objective here is to make good law; we do not want to make bad law.

I will come to a point about retrospection in a moment, but I first want to deal with a couple of other points on the consultation with the Commissioner for Victims and Survivors. There is no trick in the phraseology of that amendment. It is simply about using the good offices of the Commissioner for Victims and Survivors to assist survivors and victims. That is surely a reasonable thing to do: to use those good offices and that professionalism to assist victims. If they do not want that assistance, they do not have to take it.

Mr Allister: Will the Member give way?

Mr A Maginness: Yes, certainly.

Mr Allister: It is important that we have absolute clarity on the meaning of the amendment, although, ultimately, it may not be the Member who determines the meaning. If we add the words:

"in consultation with the Commissioner for Victims and Survivors"

to the intent that the views of a victim shall be taken into account, where does that leave the victim who wants to speak for themselves and does not want any filter, such as the victims' commissioner? If the consultation with a victim has to be in consultation with the victims' commissioner, how can the victim assert the right to speak for themselves?

Mr A Maginness: It is quite simple: they do not have to. If you are suggesting that the victims' commissioner has some sort of exclusive right over the expression of opinion or fact by a victim, that is clearly incorrect. I do not know how you can read that into the amendment. It clearly just uses the office of the Commission for Victims and Survivors to assist the victim. Everybody around here seems to see some

cunning plans. This is a bona fide amendment to try to assist the House in making better law. That is the emphasis that I put on it.

Mr Attwood: Will the Member give way?

Mr A Maginness: Yes.

Mr Attwood: Mr Allister raised this point earlier. It is the right point to make; I am not saying that you should not make it. I have been trying to think about what the potential answer is, and I think that Mr Maginness captured it: the notion that a panel would prejudice the view of the victims because of whatever consultation had or had not occurred with the victims' commission is not correct. In any case, I have no doubt that any court looking at this, if it ever reached that point, would say that it would not interpret law in a way that created mischief; the mischief being that, somehow, the victims' commission would have primacy of input over that of a victim. That, clearly, is not what the courts would do. The points that I have just made and the points of Mr Maginness provide the answer to Mr Allister's issue. If that is satisfactory to him, I invite him to support the amendment.

Mr A Maginness: I am grateful to my friend for that intervention. I sincerely hope that not only Mr Allister but other Members are reassured by my comments and the additional comments of Mr Attwood.

Amendment No 11 states:

"any information which the proposed appointee wishes to submit in writing."

It is in plain English. It is straightforward. Basically, we envisage character references going forward to the appeal panel. That is entirely reasonable. Some Members argued that you do not have to mention that, but we want to mention it because it is an element that could help the panel to come to a considered decision. It is not unreasonable. It is very helpful to any panel that has to adjudicate in such circumstances to come to a decision on the basis of character references.

Mr Allister: Will the Member give way?

Mr A Maginness: Yes.

Mr Allister: Why, then, does the amendment not simply say "submit any character references"? Why does it leave the door wide open by saying "any information" that the

appointee may choose to submit? Could an appointee, for example, have a body such as the Pat Finucane Centre write up a grand submission based on the guidance of OFMDFM on the employment of ex-prisoners and get that to have the same status as a criterion through the back door as the criteria that are in clause 3(1)(a) to clause 3(1)(c)? Why could that not happen under the terms of the amendment and, in that manner, undermine the impact of paragraphs (a) to (c)?

5.30 pm

Mr A Maginness: You can construct all sorts of grand ideas around this. I am telling you the intent behind the amendment. It is not some conspiracy; it is not a cunning plot of any sort. It is an attempt simply to bring greater balance into the considerations and adjudication of the panel. The character references that I referred to illustrate that point graphically.

I move finally to the issue of retrospection. I do not profess to have any expertise on the matter. However, the concerns are around article 7 of the European Convention on Human Rights. The convention prohibits retrospective penalisation, so one cannot retrospectively render criminal that which was not criminal at the time. The concerns about article 7 were raised at Committee Stage. They were raised, in particular, by the Attorney General. It is incumbent on the House to consider what the Attorney General said. Admittedly, it was at an earlier stage of the Bill, but, nonetheless, I think that his words are important. As I understand it, he was saying that, first, article 7 would apply to the provisions in the original clauses 2 and 3. He also put the question of whether they were a consequence of a criminal conviction, and he was of the view that they were. He said that, as far as domestic law mattered, it did not really come into it. However, he said that you have to go forward and look at the purpose and severity of the provisions. He said that it struck him:

"in the cases where retrospective measures have been imposed throughout Europe, in France and the UK — cases that have survived scrutiny at Strasbourg — have been measures that, although retrospective in their effect, have been typically for a public safety purpose. For example, preventing people convicted of serious sexual offences from working with children",

and so on. Therefore, he was asking, in effect, whether this was for purposes of public safety or public interest rather than purely penal purposes. He was raising a warning that it

could be seen by the courts as being for penal purposes. That is the way in which he was looking at things. I have to say, in fairness, that he was not conclusive in his opinion, but that does not matter. The fact is that he raised in Committee a potential problem for the House. It is important that we, as good legislators who are trying to do the best, listen carefully to his counsel; otherwise, there is no point in bringing along experts, including the Attorney General, to speak on such matters.

It was with that in mind that we believed that it was better to remove the retrospective provisions from the Bill in order that this issue would be avoided in future and there would be no legal challenge in that respect. It is important that we take into account the Attorney General's words. He said:

"I think, there are dangers in relation to the competence of clauses 2 and 3 as they stand at present."

He said that if these clauses were prospective rather than retrospective, he believed that there would be no issue arising under article 7. It is clear from what the Attorney General said at Committee Stage that there are issues about the retrospective nature of the clauses that I referred to. I am not saying, with absolute certainty, that this will result in a court decision that would impugn these provisions. However, there is a danger and a risk, and I think that we are better avoiding that risk.

Finally, our preference, as a party, is for the Civil Service Commissioners to be retained in the Bill. I know that it has been said that the commissioners have rejected the whole idea of being involved as a panel or as part of a panel. The point that we make, as a party, is that that is our preference. That body is so clearly independent, and these are people with considerable experience, professionally and otherwise, who are in the best position to bring about that adjudication.

Of course, their use would also remove the suspicion that the Department or the Minister of Finance and Personnel would have some say in the adjudication and the panel. That may be very far from the truth and fact, but, nonetheless, there is always that suspicion. Therefore, we are still supportive of the idea of the Civil Service Commissioners being involved. Thank you.

Mr Allister: I think that it has been an interesting debate. In fact, maybe in the course of the afternoon, it has been two debates, because we had an interesting debate between

the SDLP and Sinn Féin on matters pertaining to prisoners. However, overall, I think that it has been a useful exercise.

I would like to begin by nailing absolutely the suggestion that this Bill picks out and discriminates against what have been termed "political ex-prisoners". There never were political prisoners. Even if one stretches to understand the concept and the point that is being made, this Bill does not discriminate against that perceived group. This Bill applies equally to everyone with a serious criminal conviction, be that person a rapist, a fraudster or a terrorist convict. So, the notion peddled by Mr McLaughlin that this is a charter of discrimination against what he terms "political ex-prisoners" is absolute nonsense. This Bill applies equally — no more strenuously and no less strenuously — to anyone with a serious criminal conviction. So, let me dispense straight away with the notion that there is some discriminatory purpose at the heart of the Bill. There is not.

Mr McLaughlin then took us on a grand tour of the Belfast Agreement, as if it were some sort of Holy Writ. However, there is nothing in the 1998 Act, or any legislation, that says that legislation that is passed by this House must be compatible with the Belfast Agreement. It is only an agreement. Legislation is legislation. So, that is another red herring in that regard.

On how I got to the point of having to substitute the panel from the Department, I think that Mr McKay was inviting me to be contrite about having to abandon the Civil Service Commissioners. Let me use his point. I regret that I have had to table my amendments to interpose a panel. I would much prefer to have the Civil Service Commissioners perform that role. However, am I contrite about it? No, because it is something that has to be done. Therein is an illustration in itself of the difference between regret and contrition. Yes, I regret that I have to table these amendments. No, I am not contrite about having to table these amendments.

That brings us, perhaps, to the core of amendment No 8. We are told by the SDLP that, in fact, it is stronger and more victim friendly than a requirement to show contrition. Well, I can do no better than refer the House to some of the most poignant evidence that any Committee of this House has ever heard: the evidence to the Committee of Ann Travers. What did she have to say about the regret of Mary McArdle? She told you this:

"Mary McArdle has shown no remorse. The Historical Enquiries Team wrote to her, and she ignored its letter. I and my brother Paul have asked her, through the media, to tell us who else was involved in Mary's murder and the attempted murder of our parents. She has told us, via the media, that Mary's murder was a tragic mistake that she regrets, yet if she was to explain why it happened, she would only compound my hurt. That is, in my mind, still justifying it."

So Mary McArdle has uttered the words — in that caveated way — that she "regrets" the death of young Mary Travers. It was a "tragic mistake". Is that really what this House is looking for in measuring whether someone is remorseful for the crimes that they have been involved in: that they can simply get away with saying, "It was a tragic mistake. I regret it."? That is the porous difficulty with the SDLP amendment: it fails the Mary McArdle test. That is the reality, just as its attempt to exempt sitting SpAds from the ambit of the Bill fails the Mary McArdle test. We never did get an answer to the question of whether, were Ms McArdle still in office, the SDLP would be peddling amendment Nos 2, 5, 6 and 7. Answer came there none to that challenge. That is telling in itself. However, on this point of amendment No 8, I think that the poignant, telling evidence of Ann Travers answers it better than I ever could. Ann Travers has said that she hopes that this Bill will not be so altered as to make a mockery of victims.

She had other interesting things to say, including something relevant to a point that Mr McLaughlin made today. She asked a question about the situation in her eyes:

"Where in this is the spirit of the Good Friday Agreement for the benefit of victims? The job of special adviser is very important. It is at the very heart of government ... it is unlike the role of an MLA, because it is not elected by the people. Special advisers have no mandate, posts are not usually up for open competition ... they are usually appointed by a Minister. However, in this case, Mary McArdle was appointed by the party, as the Culture Minister said in a 'Spotlight' documentary. In my view, the appointment that has caused us to be here was for a job well done: a reward."

5.45 pm

She went on to say:

"As the position of special adviser is taxpayer-funded, victims find themselves in the surreal position of contributing to the salary of the person who destroyed their family. That is wrong. Victims have rights, too, and they have the right to move on with their lives. While someone who has been convicted of murder may find their life has improved when they are appointed to a high-profile government position, the victim's lives will certainly not have improved. Indeed, it will have been damaged once again through no fault of their own."

"Victims deserve the very important human right not to be re-traumatised time and again. For those who do not support the Bill, I ask one simple question: do you believe that the rights of perpetrators of violence are more important than, or supersede, those of victims in today's civil society?"

Those were poignant, piercing and effective words that say to those who want to give the aspiring SpAd a better chance of getting through the appeal mechanism that they really should pause and consider what it is that they are doing to victims. The Bill is, unashamedly, about putting the rights of victims on a new level, taking them into consideration and giving their thoughts and their outlook proper consideration, not trampling what they think into the gutter for the sake of political expediency.

Amendment No 8, in the words of Ann Travers, would be something that diminishes the respect to victims. They have the right not to be re-traumatised. Amendment Nos 8 and 9, sadly, are about making it easier for the convicted criminal to be elevated to that point. That is effectively what has been said by the SDLP; that it is to make the appeal process easier.

Mr A Maginness: Reasonable.

Mr Allister: "Easier" was the word that was used.

Mr A Maginness: It was not.

Mr Allister: With respect, it was.

Mr A Maginness: I said "reasonable chance of success".

Mr Allister: Well, Mr Bradley talked about giving a real chance of success, which is easier; and so it continued.

Mr D Bradley: A reasonable chance of success.

Mr Allister: Whether you call it a real chance of success or a reasonable chance of success, it amounts to making it easier — pulling down the hurdles a little bit and making it easier for someone to get through. That is in the context of a Bill that no one has sought to amend to say that it must be only in exceptional circumstances where that can be allowed to happen.

The position that the House took at the Bill's Consideration Stage when it approved clause 3(3) and set the criteria was the right position. They are the right criteria, and the House should not now turn its back on them.

As to the point about amendment No 10, I remain concerned about adding to taking the views of the victim into account:

"in consultation with the Commissioner".

I hear it said that that means only that the victims' commissioner is a conduit, but that is not what the words say. The words have that emboldenment "in consultation with". That is how you do it; you take the views of the victim "in consultation with" the victims' commissioner. For the victim who says, "I want to speak for myself and I want to be heard in my own right; I do not want it to be filtered through anyone else", I do not understand how that choice of wording enables that to happen.

Other choices were available: it could have said that, where "required", "desired" or "requested", it can be done through or in consultation with the commissioner. However, it does not. It imposes an absolute requirement that the taking into account of the views is done in consultation with victims and survivors. I ask the SDLP to question whether they need to press that amendment.

Likewise amendment No 11, which is so open-ended about any information that the proposed appointee wishes to submit in writing. As I said earlier, clause 3, as drafted, would, on interpretation by a panel, admit character references. However, when you go to any information that the proposed appointee wishes to submit in writing, you have gone way beyond the ambit of character references. You have gone way beyond the concept that that which is submitted must be relevant to grounds a, b and c. I could have lived with "information relevant to grounds a, b and c". However, when you take that out and simply have a blanket

invitation to elevate to the same level as their criteria for consideration any information that the proposed appointee submits, you have gone too far. That information will inevitably be uncritical; it will not be strained through any filter that will decide what in it is objective, subjective or stands up in its own right. It will be self-scrutinised, self-selected and, probably, self-serving information coming from the proposed appointee. Therefore, I regret to say that that amendment, as couched, is too weak.

There was some debate this afternoon about where the Bill ultimately goes. I totally respect the right of any party in the House to vote against any amendment and, indeed, the Bill at the report stage. There might have been a nuance in what Mr Attwood and Mr Bradley said about what the SDLP may or may not do. Mr Attwood was careful to speak about voting against the Bill, which is one thing; Mr Bradley's language seemed to be a little looser. He said that the SDLP will:

"ensure that the wrong process will not pass."

Hence some Members asked this pertinent question: does that mean a petition of concern? Would it not be the ultimate irony if, with Sinn Féin unwilling to help the SDLP to exempt sitting SpAds by being unwilling to support the SDLP amendment that would make that possible and giving no help to the SDLP to improve the Bill in its terms, it is the SDLP that joins with Sinn Féin to help it to block the Bill at the end? Ultimately, the SDLP should have something to think about in that regard. Of course, I would very much regret if the SDLP were to take that nuclear option. I trust that wiser heads will prevail.

We have had a good debate —

Mr Attwood: Will the Member give way?

Mr Allister: Yes.

Mr Attwood: I decided not to come in earlier because Mr Allister was, very eloquently and powerfully, reading into the record the views of a victim. In order to respect the views of the victim fully, I did not think that it was the appropriate time to make a contribution. However, now that he is coming to the end of his contribution, I want to make a number of comments.

The first is in respect of the latter point about whether we will help Sinn Féin or Sinn Féin will help us. Does that not reveal some Members'

thinking? This issue has been reduced to some sort of trade-off to the point where Mr Allister is making a curious argument about what the SDLP will do for Sinn Féin and what Sinn Féin will do for the SDLP. That is not the politics that this party indulges in. Of all these issues around victims and survivors, after what the SDLP has said in the Chamber today, including in respect of the perspective that Sinn Féin brings to the issue, to make that argument now does not sound very credible. It actually sounds like scraping the barrel.

The point of amendment No 11 is that when it comes to the assessments that are made by any panel in respect of the three categories named in the Bill by Mr Allister and the fourth character —

Lord Morrow: Will the Member give way?
[Laughter.]

Mr Attwood: I will be finished shortly, Mr Speaker. Thank you for that encouragement, Lord Morrow. I will rely upon it.

The point is that it will be up to the panel to determine the weighting given to those matters. Mr Allister made the point that there is an integrity and cohesion about the three elements that he outlines. However, the panel will make a judgement about all of the criteria and the weighting therein. It may give one criteria greater weighting than another, depending on the circumstances in a particular case. Therefore, the words "any information" are not included to compromise any other criteria: they are there to give a full process.

On a further point, Mr Allister, by inviting a person to give information, you are putting them on the spot and saying, "What is it that you have to say in respect of all the issues that have to be deemed appropriate in terms of any assessment?".

My final point — I will end here, thank you, Lord Morrow — is that we in this House should never reduce ourselves to taking the language used by others as the definitive meaning of those words. So, when I hear others use the word "regret", I do not draw conclusions that that is the be-all and end-all of what should happen. So, when I hear people in Sinn Féin and other places use the word "regret", I say that regret means what it should mean: contrition, remorse and regret. Do not define what that word means by the narrow interpretation visited upon it by those who casually use it and do so at times for self-serving reasons.

Mr Allister: The problem with such a lengthy intervention is that one tends to forget what the early points in it were. [Laughter.]

Mr A Maginness: Do you want him up again?
[Laughter.]

Mr Allister: No, I do not want him up again, thank you very much.

The point about adding a fourth criteria is neither here nor there. I refer the Member to the fact that, under clause 3(2)(a), which states:

"after having regard to the matters at subsection (3)",

obviously, if there are only three matters set out in subsection 3, there are three matters vying for attention. If there are four matters set out in subsection 3, then obviously the fourth one is equally vying for attention. If it is a wholly generic issue that is at large as to what can be included and, as we have said, it is self-serving, why should such a criteria be capable of being elevated to the same status for consideration as the specific criteria of contrition, helping the police and the views of the victims? Inevitably, the more criteria you add in a context where the totality of issues have to be considered, the more you weaken each component part. That is the problem with amendment No 11.

The Member valiantly tried to revisit the issue of regret and what it means. I say again that the House listened attentively to what Ann Travers had to see about how meaningful it was to hear Mary McArdle say, "Mary's death was a mistake. I regret it." That does not wash: it does not wash with victims, and it should not wash with this House. This House has an opportunity today to take another step towards duly respecting the rights and sensitivities of victims and to show that, where there is a choice to be made, victims do matter. I trust that the House will take that opportunity.

6.00 pm

I will very quickly deal with the point on retrospection. The Attorney General's view has been substantially distorted. His view, as was expressed to the Committee, as I understood it and others of a professional nature who addressed the Committee expressed it, was that, in the context of the Bill at that time having what was described as a blanket ban, its proportionality came into question. However, once you put the appeal mechanism in at clause 3, you deal with that proportionality point

and the threats of legal challenge recede accordingly.

It is quite wrong to highlight what the Attorney General said in the context of how clauses 2 and 3 were at that time and to say that those have the same application to clauses 2 and 3 as they stand today. They are very different animals by virtue of the fact that they have the appeal mechanism. Let us not forget clause 4, which takes it a step further and gives a further right of appeal to the High Court.

So, all sorts of protections are built in and are well ensconced in the Bill. The fundamental question for tonight's votes is this: are we getting the criteria right? Is it right to exclude someone like Mary McArdle, if she was still in office, from the ambit of this Bill? I trust that the House will say that it is not and will say that the criteria are right. I recommend my amendments to the House and, sadly, cannot do that with other amendments.

The debate stood suspended.

Assembly Business

Extension of Sitting

Mr Speaker: I advise the House that I have been given notice by the Business Committee of a motion to extend today's sitting beyond 7.00 pm under Standing Order 10(3A). As it is a business motion, the Question will be put without debate.

Resolved:

*That, in accordance with Standing Order 10(3A), the sitting on Monday 20 May 2013 be extended to no later than 9.30 pm. —
[Ms Ruane.]*

Private Members' Business

Civil Service (Special Advisers) Bill: Further Consideration Stage

Debate resumed.

Clause 2 (Special advisers: serious criminal convictions)

Amendment No 1 proposed: In page 1, line 13, leave out "Commissioners" and insert "Department of Finance and Personnel".— [*Mr Allister.*]

Question put, That the amendment be made.

The Assembly divided:

Ayes 59; Noes 40.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, 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 Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Ayes: Mr Allister and Mr McNarry

NOES

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McDevitt, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McNarry, Mr McQuillan, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Noes: Mr Durkan and Mr McCartney

Question accordingly agreed to.

6.15 pm

Mr Speaker: Order. I have been advised by the party Whips that, in accordance with Standing Order 27(1A)(b), there is agreement that we can dispose of the three minutes and move straight to the Division.

Amendment No 2 proposed: In page 1, leave out subsections (4) and (5).— [*Mr D Bradley.*]

Question put.

The Assembly divided:

Ayes 20; Noes 78.

AYES

Mr Agnew, Mr Attwood, Mr D Bradley, Mr Byrne, Mrs Cochrane, Mr Dickson, Mr Durkan, Mr Eastwood, Dr Farry, Mr Ford, Mrs D Kelly, Ms Lo, Mr Lyttle, Mr McCarthy, Mr McDevitt, Mr McGlone, Mrs McKeivitt, Mr A Maginness, Mr P Ramsey, Mr Rogers.

Tellers for the Ayes: Mr Byrne and Mr Durkan

NOES

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Clarke, Mr Copeland, Mr Craig, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Ms Fearon, Mr Flanagan, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McNarry, Mr McQuillan, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Noes: Mr Allister and Mr McNarry

Question accordingly negated.

Amendment No 3 proposed: In page 1, line 22, leave out "Commissioners" and insert "Department".— [Mr Allister.]

Question put, That amendment No 3 be made.

The Assembly divided:

Ayes 58; Noes 39.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, 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 Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Ayes: Mr Allister and Mr McNarry

NOES

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, 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, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Durkan and Mr McCartney

Question accordingly agreed to.

Clause 3 (Determination of eligibility of special advisers by Commissioners)

Amendment No 4 proposed: In page 2, leave out lines 4 to 11 and insert

"(1) This section applies where an appointment, or proposed appointment, of a person as a special adviser is referred to the Department under section 2(2) or (5).

(2) The Department must, within 14 days of the referral, establish a review panel and refer the matter to it.

(3) The review panel must determine whether the person is eligible for appointment as, or to continue to hold appointment as, a special adviser.

(4) The person is only eligible if the review panel is".— [Mr Allister.]

Question put, That amendment No 4 be made.

The Assembly divided:

Ayes 57; Noes 39.

AYES

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, 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 Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Ayes: Mr Allister and Mr McNarry

NOES

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, 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, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Durkan and Mr McCartney

Question accordingly agreed to.

Mr Speaker: I will not call amendment Nos 5 to 7 as they are consequential to amendment No 2, which has not been made.

Amendment No 8 proposed: In page 2, line 17, leave out from "contrition" to the end of line 18 and insert

"regret for and acknowledgement of, and accepts the gravity and consequences of, the offence to which the serious criminal conviction relates,".— [Mr D Bradley.]

Question put, That amendment No 8 be made.

The Assembly divided:

Ayes 19; Noes 77.

AYES

Mr Attwood, Mr D Bradley, Mr Byrne, Mrs Cochrane, Mr Dickson, Mr Durkan, Mr Eastwood, Dr Farry, Mr Ford, Mrs D Kelly, Ms Lo, Mr Lyttle, Mr McCarthy, Mr McDevitt, Mr McGlone, Mrs McKeivitt, Mr A Maginness, Mr P Ramsey, Mr Rogers.

Tellers for the Ayes: Mr Byrne and Mr Durkan

NOES

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Clarke, Mr Copeland, Mr Craig, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Ms Fearon, Mr Flanagan, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McNarry, Mr McQuillan, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Noes: Mr Allister and Mr McNarry

Question accordingly negated.

Amendment No 9 proposed: In page 2, line 19, leave out paragraph (b) and insert

"(b) whether the person has demonstrated, where applicable, a commitment to non-violence and exclusively peaceful and democratic means for political change,".— [Mr D Bradley.]

Question put.

The Assembly divided:

Ayes 12; Noes 83.

AYES

Mr Attwood, Mr D Bradley, Mr Byrne, Mr Durkan, Mr Eastwood, Mrs D Kelly, Mr McDevitt, Mr McGlone, Mrs McKeivitt, Mr A Maginness, Mr P Ramsey, Mr Rogers.

Tellers for the Ayes: Mr Byrne and Mr Durkan

NOES

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Ms Fearon, Mr Flanagan, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Mr F McCann, Mr McCarthy, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McNarry, Mr McQuillan, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Noes: Mr Allister and Mr McNarry

Question accordingly negated.

Amendment No 10 proposed: In page 2, line 23, at end insert

", in consultation with the Commissioner for Victims and Survivors.".— [Mr D Bradley.]

Question put, That amendment No 10 be made.

The Assembly divided:

Ayes 30; Noes 66.

AYES

Mr Attwood, Mr Beggs, Mr D Bradley, Mr Byrne, Mrs Cochrane, Mr Copeland, Mr Dickson, Mrs Dobson, Mr Durkan, Mr Eastwood, Mr Elliott, Dr Farry, Mr Ford, Mr Hussey, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCarthy, Mr McDevitt, Mr McGimpsey, Mr McGlone, Mrs McKeivitt, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr P Ramsey, Mr Rogers, Mr Swann.

Tellers for the Ayes: Mr Byrne and Mr Durkan

NOES

Mr Allister, Mr Anderson, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McNarry, Mr McQuillan, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Noes: Mr Allister and Mr McNarry

Question accordingly negated.

Amendment No 11 proposed: In page 2, line 23, at end insert

"(d) any information which the proposed appointee wishes to submit in writing."— [Mr D Bradley.]

Question, That the amendment be made, put and negated.

Amendment No 12 proposed:

In page 2, line 24, leave out "Commissioners" and insert "Department".— [Mr Allister.]

Question put, That amendment No 12 be made.

The Assembly divided:

Ayes 57; Noes 39.

AYES

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, 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 Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Ayes: Mr Allister and Mr McNarry

NOES

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, 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, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Durkan and Mr McCartney

Question accordingly agreed to.

7.30 pm

Amendment No 13 made: In page 2, line 26, at end insert

"(5) The Department must—

(a) appoint independent persons to be members of the review panel,

(b) pay those persons such fees, allowances or expenses as appear appropriate,

(c) provide the review panel with staff, accommodation or other facilities as appear appropriate.

(6) A review panel may regulate its own procedure.

(7) A review panel only remains in existence for so long as is necessary for it to exercise its functions."— [Mr Allister.]

Clause 4 (Appeals against Commissioners' determinations)

Amendment No 14 made: In page 2, line 28, leave out "the Commissioners" and insert "a review panel".— [Mr Allister.]

Amendment No 15 made: In page 2, line 32, leave out "Commissioners" and insert "review panel".— [Mr Allister.]

Amendment No 16 made: In page 2, line 34, leave out "Commissioners" and insert "review panel".— [Mr Allister.]

Clause 10 (Interpretation)

Amendment No 17 made: In page 4, leave out lines 28 and 29.— [Mr Allister.]

Mr Speaker: I will not call amendment No 18 as it is consequential to amendment No 2, which has not been made.

Clause 12 (Commencement)

Amendment No 19 made: In page 5, line 2, leave out "Sections 2(5), 3, 7, 8" and insert

"Sections 1, 2(5), 3, 4, 5, 7, 8, 9".— [Mr Allister.]

Mr Speaker: I will not call amendment No 20 as it is consequential to amendment No 2, which has not been made.

That concludes the Further Consideration Stage of the Civil Service (Special Advisers) Bill. The Bill stands referred to the Speaker. I ask the House to take its ease as we move into the next item of business.

(Mr Principal Deputy Speaker [Mr Mitchel McLaughlin] in the Chair)

Private Members' Business

Hill Farming

Mr Principal 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 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 to propose and five minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes. As this is the first debate in which the Assembly will hear from Mr Ian Milne, I remind the House that it is the convention that a maiden speech is made without interruption.

Mr Milne: I beg to move

That this Assembly recognises the particular difficulties experienced by hill farmers; and calls on the Minister of Agriculture and Rural Development to bring forward additional measures to support the sustainability of farming on lands classified as less-favoured areas.

Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Tá áthas mór orm bheith anseo i lár na ndaoine ar mo thaobh anseo. Thank you, Mr Principal Deputy Speaker. As you said, this is my maiden speech, so, before I speak on the motion, I will take this opportunity to pay tribute to Francie Molloy, who represented the people of Mid Ulster as an MLA for the past 15 years. His recent election success is testament to his hard work and commitment in the area. As Principal Deputy Speaker, he carried out his role with fairness and respect. He remains as MP, and I look forward to continuing to work with him as part of the Mid Ulster team.

I thank my party colleagues for selecting me for this role and am grateful for the support of such a strong and dedicated team. I would also like to acknowledge the guidance and support of Assembly staff, who have been very helpful. It is very much appreciated.

On a personal note, I feel very proud to represent the people of Mid Ulster. I hope to build on my experience as a councillor, and it is my intention to use this platform to raise the

many issues that I know affect local people. One such issue is the unique difficulties experienced by hill farmers, which have been compounded over the past 18 months by wet weather, severe snow and now the fodder shortage.

The nature of the landscape here in the North of Ireland means that we have a significant number of hill farmers. Ireland in general has a long history of people making a living from these areas, but farming in our hills and mountains is not without its problems. The nature of the soil, the vegetation and the climate mean that farmers have a limited choice in the type of farming available to them. They are usually restricted to beef and sheep farming, regardless of the economic conditions, and, as a result, they are disproportionately affected by rising costs and falling prices. Without these farmers producing food and maintaining our countryside, our hill areas would be largely abandoned. Our landscape would be radically different from how it looks today, land abandonment would become an increasing problem, and a traditional way of life would be greatly under threat.

The need for additional assistance is already recognised by Europe. That is why we are allowed less-favoured area (LFA) payments. I am grateful to the Agriculture Minister, Michelle O'Neill, for rolling forward the LFA scheme, which is worth £25 million, for a further year. I am also grateful to her for bringing this year's payments forward to help to address farmers' needs following the recent snow crisis. However, I feel that more assistance may be required in the time ahead.

The rising cost of feed is leading to another potential crisis in these areas. The Minister's recent announcement of emergency fodder aid is very welcome and timely, but it is important that we do more to support hill farmers in particular. As negotiations on CAP reform evolve, it is vital that their particular needs are taken into account. Indeed, if farmers are to be able to assist in delivering the ambitious growth targets in Going for Growth, which is the new agrifood strategy, they will need such assistance to meet that challenge.

Finally, although our hill farmers are used to facing challenges, they deserve our support, and I call on the Assembly, the Minister and the wider Executive to help to protect them to ensure that they are given all possible assistance in the time ahead.

Mr Principal Deputy Speaker: Thank you very much.

Mr Byrne: I beg to move the following amendment: Leave out all after "particular" and insert

"and unique difficulties experienced by hill farmers; and calls on the Minister of Agriculture and Rural Development to earmark grant aid support for the improvement of farm buildings and bring forward additional measures to support the sustainability of farming on lands classified as less-favoured areas."

First, I commend the motion outlined by Mr Milne and welcome the fact that he has made his maiden speech.

7.45 pm

I welcome the opportunity to speak in the debate and to propose the SDLP amendment. Over these past months, we have all seen or heard of the difficulties that farmers are facing as a result of poor weather, rising costs and poor farmgate prices. Those in less-favoured areas have suffered greatly and the issues that they now face need to be addressed.

There is a need for a grant-aid scheme of support to improve farm buildings and for new sheds and outbuildings. The recent snowstorms that affected counties Antrim, Down, Derry and Tyrone highlighted in many cases the lack of suitable and adequate farm buildings, in particular the lack of sheds for the winter housing of sheep and cattle in the hilly areas of Northern Ireland. The poor state of farm buildings has become obvious and clear for all to see.

For those of us who can remember that far back, the 1980s' precedent for grant-aid schemes for farm-building improvements and other farm infrastructure is a good model and should be the basis for looking forward, including provision for better drainage and fencing schemes. We need such a scheme for good animal husbandry and welfare reasons, as well as to meet environmental standards required by EU regulations. Cross-compliance also affects farmers greatly and adds to their costs.

The outcome of CAP reform has to meet the needs and interests of farmers in LFAs in the North of Ireland for a variety of reasons, including some element of coupling, relating the single farm payment to area-based and headage support. Approximately 77% of land in Ireland is classified as an LFA. In Northern Ireland, that figure is approximately 70%, and in the UK as a whole, it is approximately 53%.

We have less-favoured areas that require more government support. That is why regional variation in the current CAP negotiations is crucial for the farming sector in the North of Ireland. Hopefully, the Minister and the Department will be motivated enough to try to get regional variation within the UK envelope and from the London Treasury. The sustainability of farming in LFAs is crucial for stocking rates and the financial viability of smaller-scale hill farms for sheep- and cattle-rearing and production.

Last Thursday, at the Balmoral show, the Minister gave an opening address on the Agri-Food Strategy Board report, which all of us welcome. The report states:

"Beef and sheep meat is the largest sector of the Northern Ireland Agri-Food industry by turnover, which in 2010 stood at £968m (26%) and is estimated to increase to over £1bn in 2011. The size of the suckler cow herd is approximately 280,000 having recovered by 8% over the past three years but still 20% below the peak levels in the mid 1990's. The number of breeding ewes, although having fallen by over 30% during the last decade to 895,000 in 2011, has improved by 5% in 2012."

We know from the recent storms, however, that that figure will go down this year.

A rural community lifestyle and the rural way of life can be maintained, sustained and provided for in future only if viable farming can be sustained in the LFAs. According to the rural White Paper that the Department of Agriculture and Rural Development put out in the past year, the sustainable countryside policy priority is:

"To support the development of a more sustainable agricultural sector, a more competitive agri-food sector and enhanced agri-environmental links."

Twinned with that policy, we have a policy to safeguard the beauty and fabric of our rural areas and increase opportunities for all to enjoy the benefits of the countryside.

In 'Farm Week', last Thursday, a well-known commentator and writer Mr MacAuley wrote that in the 1980s, we had grant-aid support of between 40% and 50% for new farm buildings and improvements to farm buildings. Mr Principal Deputy Speaker, I think we have to revisit that scenario.

Those of us who have been involved in farming in recent years know the problem about

drainage and the difficulties associated with it due to the heavy wet weather. We have got to a stage where there has to be grant-aid schemes to improve drainage. In the past, up to 70% of funding was available for improved drainage schemes and, indeed, fencing schemes.

Farming, therefore, is central to the policy objective of social and economic sustainability for many rural communities, particularly in the LFAs, where rural communities need the chance to survive. There needs to be social and economic viability and a decent lifestyle for rural communities, as there is for other citizens.

In recent weeks, we have all learned about the hardship that many farmers are suffering; not only those who have suffered because of the snow storms. We also have the fodder crisis, and the statement that the Department and the Minister made about that at the weekend is welcome. However, the time has come for practical help. The time has come for real evidence by way of a cheque payment from the farm-aid scheme to those who are suffering from the winter of snow and to those who have a fodder crisis. I know that the Department outlined six or seven hauliers who are entrusted with delivering fodder in the current situation. The sad fact is that many farmers are not in a position to pay for the fodder and silage that they can get, and getting it is the real problem. In my constituency, a very good agri-farm supplier Mr Noel Patterson has been doing excellent work over the past two weeks helping to provide supplies for people far and wide. On Saturday, he told me that he could sell by the lorry load and that he was trying to divide it out so that every man gets a bit. That is the current situation.

I commend the amendment to the House, and I support the motion.

Mr Frew: I thank the Members for bringing forward the motion and, indeed, the amendment. I am pleased to say that we will support the motion, and the amendment as it sits.

It is reasonable in this day and age, and considering what our farmers have come through, that we should be supporting all our farmers in whatever way we can to make the past few months, and the future, easier on them. Given the fact that our agrifood industry is primed and ready to increase its jobs, cost, income and exports, it is only right that we make sure that the primary producer is looked after to make sure that all of that can happen. Some people might be in a dilemma about

whether we should support all the farming community or those in the less-favoured areas. I believe that it is right to have that differential. I believe that it is right to support farmers and hill farmers in naturally less-favoured areas in Northern Ireland for the same reasons we have supported them historically. It is important to ensure that those areas are maintained for agricultural use, because it helps them play a viable role in society and it helps provide a vibrant countryside.

It is a given that there is a limited growing season in less-favoured areas, compared to other areas, and that there are steeper slopes, which means that farmers cannot use conventional machinery in most or some of their areas. There is a real danger that, without support, those areas would experience depopulation, and there would be hurt to the much-valued rural communities and, for that matter, our tourism industry.

As has been said, almost 70% of all farms in Northern Ireland are located in LFAs. Of those, 55% are in severely disadvantaged areas, and 45% are in disadvantaged areas. Therefore, it is important that we differentiate between farming in general and farming in a less-favoured area.

We should recap on the years leading up to now, the reasons why the farming industry is in dire straits and what it has been up against. There have been the mechanics of the supply chain that have meant that the farmer does not always get the best deal for his produce. In fact, over the past number of years, farmers have had a raw deal on profits. That must change. I believe that the Department has dragged its heels on bovine TB. The farming community has been crying out for the Department to deal with that and to get rid of the spectre of disease on farms. There has been the slowness of the roll-out of the rural development programme and all the pressures that that has applied. There has been the long wait in getting single farm payments on the ground and the inspection process that has to be gone through. There was the horsemeat scandal and the great potential for damage to the reputation of our agrifood industry and primary producers. Thankfully, that did not hurt our industry because of the traceability of meat in our system. Then, of course, there was the weather, which has been horrendous for all farmers, not only during the snow crisis but during the past number of months and years, with bad summers and harsh winters.

There is a lonely side to farming, a social side and a welfare issue. When farmers hear on the

radio and TV other people complaining about the aid that they get, it has a severe impact on the farming community. We have to guard against that. It is not easy to farm in hill areas; it is certainly not for everyone. It takes a very special person.

I have concerns about the new fodder scheme. We are thankful for it and it needs to be pushed as quickly as possible. However, consider the news that the fodder scheme will be on the same de minimis rules as the hardship fund that hill farmers have received or qualified for because of their losses. If they have received as much as the de minimis limit allows, which is €7,500, how can they claim from the fodder scheme? They cannot claim any more money within a three-year period. I hope that the Minister will be able to address that issue. I worry about that.

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

Mr Frew: Recommendation 70 of the Agri-Food Strategy Board's report 'Going for Growth' is for a new land and buildings improvement scheme. I welcome that.

Mrs Dobson: I welcome the opportunity to speak on this timely motion. I trust that this debate, alongside the motion that I will bring to the House tomorrow evening, will serve as an indication to all Members of how exceptionally difficult a period our farmers are experiencing. There is hardly a corner of the entire agricultural sector that is not facing its own unique challenges. Although, last week, the sector showcased its world-leading produce and innovation at yet another incredibly successful Balmoral show, the torrential rain on Saturday came as another blow to farmers who are desperate to get their remaining livestock onto the land.

Hill farmers may not necessarily face the same difficulties as farmers with waterlogged land in low-lying areas. However, they are particularly exposed to other forms of extreme weather. The March snowstorm, which has been mentioned, served as a frightening reminder of how vulnerable animals, especially young stock, can sometimes be. It was heartbreaking to hear many of the farmers who were worst affected by the snow saying that they could see no future for themselves in the industry. I hope that they have decided to stick with that way of life because it is one that they have literally lived and breathed for most of their years.

Having visited many hill farmers, I am well aware of the often challenging and unique circumstances in which those businesses operate. Something as routine as checking stock each day is made impossible due to the scale of the land and the additional limitations that are often placed on the use of machinery.

8.00 pm

The motion also specifically calls for additional measures to support the sustainability of farming on lands classified as less favoured areas, but statements without a backdrop of clear targets are not always helpful. If the Minister is able to announce additional measures for our agriculture sector today, I will welcome that.

LFA land represents 70% of all farms here, which is a huge proportion of Northern Ireland's total land mass. In fact, it is higher than in many EU member states. As was said earlier, some 55% of those farms are in severely disadvantaged areas, and 45% are in disadvantaged areas.

Nevertheless, I have no difficulty in supporting the motion. However, I have a number of reservations about the amendment, although I will support it. It is well known that I have long called for a capital grant support scheme, but the problem I have with the amendment is that it needlessly restricts such support to farms classified as LFAs. I can understand where the proposer is coming from, particularly given recent memories of the damage that the snowstorm caused to buildings. However, we must be very careful not to focus exclusively on one area to the detriment of all others. Memories of tranche 2 of the farm modernisation programme still loom large in farmers' memories, and the SDLP should have remembered that when drafting the text of its amendment.

In conclusion, the Minister will know that I am not afraid to criticise her and the Department when I believe that they have failed. However, I would like to commend her on one act. I am referring to her decision earlier this year to make the LFA compensatory allowance (LFACA) payment three weeks earlier than planned. Minister, that was forward-thinking, but that is an all-too-rare commodity in your Department. There are basic failings that, quite frankly, should not be happening.

Two well-known problems that I ask the Minister to consider when she makes her remarks later are what impact the delay in the administration of single farm payments and the

problems with the maps have had over the past 12 months on our farmers, particularly those in LFAs. Both were entirely avoidable, so I trust that the Minister will at least give a commitment that they will not happen again over the next 12 months.

Mr McCarthy: I fully support the motion and the amendment. As a member of the Agriculture Committee, I, along with colleagues, have heard presentation explaining in no uncertain terms the plight of the farming industry and how it has become almost impossible to make ends meet in almost every aspect of the industry. That is having a detrimental effect on everyone involved in farming.

The motion is specifically about hill farming and the problems associated with less favoured areas. I thank the Research and Information Service for providing all Assembly Members with a very comprehensive document outlining the history of LFAs, not only here at home but in other regions. There are striking similarities in the difficulties faced, regardless of where on these islands farmers are based.

Other Committee members have spoken of the severe problems associated with hill farming and land use. I do not have to repeat those issues, as time is going on and the hour is late, other than to say that it is patently obvious that our Minister and, indeed, our European colleagues must reach out and come up with answers, and listen to the Ulster Farmers' Union (UFU) and other influential groups. Otherwise, we will see the demise of yet another very important aspect of local employment here in Northern Ireland. I appeal to Minister O'Neill and her Department to ensure that something is put in place to make this rural industry profitable and sustainable sooner rather than later.

I welcome the fact that Minister O'Neill came to the Agriculture Committee late on Thursday evening after her Executive meeting to tell us about the agreement that she received from her Executive colleagues on the hardship fund for livestock farmers. I expressed some disappointment that there was no such funding for farmers engaged in the horticultural and vegetable-growing aspects of farming, who were equally wiped out by the horrendous snowstorm earlier in the year. However, we welcome the Minister's funding for fodder to help all our farmers at this time. As the saying goes, every little helps.

On behalf of the Alliance Party, I fully support the motion and the amendment. I apologise to the Minister, to you, Mr Principal Deputy

Speaker, and to Members; I really have to leave shortly. Thank God for the Hansard report and those who provide it. *[Laughter.]*

Mr Irwin: At the outset of the debate, I declare an interest as a dairy farmer, and as a farmer, I am very well aware of the difficulties facing our primary producers at this time. The crisis that hit farmers over the past few months, when snowdrifts blocked roads, brought down buildings and buried thousands of animals alive, was, in the opinion of many farmers, the worst spell of weather in their lifetime. The misery that the snow brought on the farmers affected was well documented in the media. No one could fail to be moved by the hardship that the farming and wider rural community faced over that prolonged period. With thousands of animals perishing as a result of the conditions in late March, it is but right that the hardship fund is now being rolled out to those farmers whose livestock and, indeed, livelihood, was severely affected by the winter conditions. I welcome the fact that the Department of Agriculture and Rural Development (DARD) is now starting to roll out that funding. EU de minimis rules mean that the amount is capped at €7,500. I made my concerns known that it is unfair that the cost of collecting and disposing of animals is deducted from individual hardship payments. That leaves less money for the farmer as he tries to recover from his ordeal.

On the wider front, following the announcements from the Minister of a fodder relief fund, the agrifood strategy for Northern Ireland, and the new rural crime unit, I would welcome the Minister's intervention in the difficulties facing not just hill farmers or those in less-favoured areas but farmers in general across Northern Ireland. There is no doubt that our primary producers across the Province face concerning pressures at this time. Many of the difficulties are beyond farmers' direct control. The price of energy and fuel continues to rise, along with other input costs such as feed, and we have the ongoing issue of wet weather, prolonging the start of the growth season. That means that farmers have to buy fodder at prices that are rising astronomically. The fodder crisis is particularly worrying as it is becoming harder and harder to source feed. With demand outstripping supply, the price that farmers are paying per ton is completely unsustainable. The fodder relief scheme that was announced by the Minister must be delivered in a way that assists those in most need. The administration of the fund needs to be well managed.

The motion and amendment highlight one segment of the agrifood industry, and rightly so. However, given the difficulties across the entire

production base, we could equally have motions highlighting the problems in lowland and other production areas. Hill farmers bore the brunt of the severe weather in March and April, and no one can ignore the plight faced by the hundreds of farmers in that position. However, our primary production base faces mounting pressures that will continue long after the snow has melted. Those wider issues must be the focus of continued examination.

The agrifood strategy launched last week is rightly ambitious. I welcome the various strands of it that seek to encourage growth in that important sector. I particularly welcome the idea of a fully integrated supply chain. I take the opportunity through this debate to reinforce the message that the farmer is by far the most important link in the supply chain. Without the efforts, investment and commitment of the primary producer in creating the fine produce that we enjoy and promote, we do not have an industry at all.

Tomorrow, the House will look at a motion on falling farm incomes. Indeed, many of these points will be made with the same vigour. I believe that our focus must remain as wide as possible on improving the prospects of our primary producers in the relevant production sectors. In that regard, assistance and encouragement, be it financial or by other means, must be available to all sectors.

Mr McAleer: I take this opportunity to speak in favour of today's motion, which focuses on the particular needs experienced by farmers who live in areas designated as less-favoured.

As a representative of the rural constituency of West Tyrone, I know that a lot of farming is carried out in the hills and in mountainous areas such as the Sperrins. Although those areas are naturally beautiful, it is very difficult to make a living in them, particularly during adverse weather such as that witnessed earlier this year. Indeed, the weather over the past year has been atrocious; it has reduced fields to mud tracks and meant that livestock has been housed earlier, eating into already depleted silage stock. In many cases, the wet weather prevented second and third cuts from being made. The combination of wet weather and, indeed, the drought in the US has resulted in the cost of feed going through the roof. In recognition of that, the Minister negotiated and introduced the fodder scheme that opened at midnight on Saturday and has been welcomed across the board.

March brought the terrible blizzards, which had a disproportionate impact on the LFAs. Along

with councillors and the Minister, other Members and I visited areas such as Cranagh and Sperrin in March to witness for ourselves the extreme situation that the farmers were experiencing at that time. Certainly, I commend the Minister for taking swift and decisive action at that stage in drafting in emergency supplies to support the stricken farm communities and for then initiating the hardship scheme.

Farming in general is a very stressful and challenging path in life. For the farmers in the hills, that is compounded by protracted periods of isolation and uncertainty. Research carried out by Oxfam last year found that hill farmers are forced to take drastic action, such as cutting back on their own grocery bill and foregoing the basics in life just to keep their farms viable. Indeed, some of the accounts that we heard from the charity Rural Support, when it addressed the Committee recently, brought home to us the sheer level of emotion and trauma that is experienced by our farmers as they struggle to make ends meet.

Apart from the weather and the rising cost of feed, there are uncertainties around the future of subsidies as we move from LFAs to ANCs — areas of natural constraint — post-2013 under the CAP. That has introduced uncertainty for the farmer. The natural handicaps associated with hill farming add substantially to the cost of production. The less-favoured areas compensatory allowance is there to compensate for that. It helps to create a more level playing field and, in most cases, is a lifeline for hill farmers.

Farming is our indigenous industry. It is the backbone of rural communities. Farmers, particularly those in hilly and mountainous terrain, are experiencing a crisis, which is mostly due to extreme weather conditions and the global economy. On behalf of the party, I want to reiterate support for the motion and, indeed, for the amendment. Go raibh maith agat.

Mr Buchanan: I support the motion and the amendment on the sustainability of hill farming, but I am somewhat concerned that the focus of the debate is solely on one section of the farming community. Under the current climate, all sections of our agricultural industry are under severe pressure. We must recognise that this is not only a Northern Ireland-wide problem but something that affects all in the agricultural industry, from the hill farmer to the meat and cereal producers.

Therefore, at the outset of the debate, I wish to express my support for all those in the industry.

Indeed, I call on the Minister, when she considers the difficulties facing the hill farmer, not to neglect or forget about others in the lowlands who face the same challenges, hardships and difficulties and experience the same stress and anxiety as they struggle to keep their farm business afloat.

Turning to the motion and the amendment, I do not think that anyone would disagree that hill farmers face many significant natural handicaps, with rough grazing, low foliage and less stock per hectare adding considerable cost to their production and leaving much less of a profit margin on their farm incomes. Indeed, in the climate that we are in, many farmers have no profit margins at all. In fact, unfortunately, they are on the other side of the scale.

8.15 pm

With almost 70% of all farms in Northern Ireland located in less favoured areas and many hill farmers struggling to make sufficient income to keep their farm businesses in operation, it is vital that proper measures are put in place to sustain the long-term viability of hill farmers. Barriers to hill farming, such as the management and delay of agrienvironmental schemes, rural development programmes and the single farm payments, including bureaucratic regulation, must be urgently addressed and positive incentives and mechanisms brought forward to encourage hill farmers to make the most of their hill farms and to benefit from a greater return.

Hill farming is not only a significant contributor to the rural economy through the purchase of inputs, such as animal feeds and machinery, and the distribution and marketing of their produce, but it has great potential for farm diversification. The rich culture and built heritage of many hill farms provide incentives for greater tourist initiatives, rural training programmes and the sustaining of the skill base, which are all essential parts of maintaining the character and prominent features of the landscape. Over the centuries, livestock farming has shaped the landscape through managed grazing, balanced with the natural progression of thick woodland and the retention of many traditional farm buildings. The value of hill farmers must be recognised and new incentives brought forward if they are to remain viable and continue to provide a wide range of social, economic and cultural activities.

In recent times, we have all witnessed the huge loss of livestock suffered by the farming community in mountainous areas, together with

the collapse of farm buildings and the destruction of many thousands of metres of fencing as a result of the severe weather conditions. The stark reality is that these farm businesses are unable, financially, to reinstate fencing and replace their collapsed buildings, with the unfortunate consequence that many will or could go out business, leaving hill farming lying waste and rural areas desolate to local production and economic activity.

In supporting the motion, I call on the Minister to outline her proposals, not only for the long-term sustainability of hill farmers but for those farmers in the lowlands who are equally suffering severe financial hardships as a result of the inclement weather, high feeding costs and a low return for their produce. Let the House see the Minister being proactive, rather than always being in the position in which she and the Department are continually reacting to dire situations, often when it is almost too late for many farm businesses.

I support the motion, and I trust that the Minister will have something positive to bring to the House this evening.

Mr Swann: Following on from the comments of the Member who spoke previously, when I saw the full Sinn Féin Benches at the start of the debate, I was expecting some fantastic announcement from the Minister. However, I take it that they were only here to hear your maiden speech, Ian. Minister, I still hope that you have good news for us.

Mr Principal Deputy Speaker: He may have driven them out. I am not sure. *[Laughter.]*

Mr Swann: The wording of the motion focuses on our hill farmers and their LFAs. I know that there has been talk of other areas not being mentioned in the motion or the amendment, but other parties and Members had the opportunity to table amendments to the motion if they felt so passionately about those areas. I hope that they will be here tomorrow to support the Ulster Unionist Party motion on the decrease in farm incomes.

As members of the Committee have well rehearsed, I was fortunate enough to bring up a group of farmers from north Antrim and east Antrim to discuss the crisis that was going on during the snow and the hardship payments that were made to them. We heard first-hand from a lot of those men and women, who were all hill farmers and all under LFAs. Through other evidence sessions of the Committee, it became clear — we hear it again and again,

because I keep saying it — that farming is one of the loneliest professions in Northern Ireland at the moment.

Minister, Mr Principal Deputy Speaker and anybody in the House who knows a hill farmer or somebody who works a less-favoured area, if farming is the loneliest profession, being a hill farmer is like being consigned to solitary confinement. I was speaking to one man, a good friend of mine, at the Balmoral show, and you never see him from January until the Balmoral show because he goes into virtual hibernation over those three months while he lambs, tends his sheep and all the rest of it. Those are the sort of men whom we are talking about in this motion, which deals specifically with hill farming. We should pay attention to the fact that there is a group out there that needs special mention by and attention from the Department.

As has been mentioned a number of times in the House when we refer to hill farming as an LFA, 76% of the ground in Northern Ireland falls under that criterion. When we take that criterion and look at LFAs, particularly those under sheep and beef, on those farms that have greater than three standard labour requirements — the number of men who should be working it — their net income has fallen from £58,000 last year to £40,000 this year. That is a reduction of 31% in one year. We need to debate the topic of why these farmers need support because that is their net income; we are not talking about profit. Many of those people have not been in profit for years, but they keep farming because of the support that they get from their single farm payment and particularly because of the LFA payments. LFA payments brought something like £25 million into the Northern Ireland economy last year, specifically for hill farming LFAs.

So there is an importance there, and it is the importance of the recognition not only by Europe but by the Department of the farms' environmental schemes. Without our hill farmers and their maintenance of our countryside and those hills, we would not have our striking scenery in the glens of Antrim or along the north coast. Those men are working as custodians of that countryside. It will not become a national park or anything like that, so hill farmers will keep that ground as a tourist attraction that brings in visitors.

I will go back to the particular importance of LFA payments. The Commission's CAP reform proposals include an issue that I think Mr McAleer referred to earlier. There is talk in the draft rural development regulations of replacing

LFAs with areas of natural constraint. The European Court of Auditors has criticised how member states have designated LFAs in the past, and our Department is no different from others. The redesignation from LFAs to ANCs in Europe will require a mapping exercise, which causes me great concern because our Department does not have a good record in mapping exercises, particularly when it comes to hill farms or LFAs. One of the problems with aerial photography is that photographs from above are not getting the full area of a field because of the limits to what the camera can see. That will cause great problems with any sort of redesignation from LFA to ANC.

Fine-tuning will be depended on a lot to help to ensure that areas of natural constraint are included in this and that more productive areas are not, which has been a major concern. Indeed, given the complications of CAP reform, MEPs wanted to conduct this exercise at a later stage, but the Commission is keen to press ahead. The motion calls on the Minister "to bring forward additional measures", and we usually talk here about moneys, payments or more schemes. I think that it is a matter of working with our MEPs to ensure that we get this right and that any change from LFAs to ANCs benefits the hill farmers —

Mr Principal Deputy Speaker: I ask the Member to bring his remarks to a close.

Mr Swann: — of Northern Ireland so that we can do what is right for the people of Northern Ireland.

Mrs O'Neill (The Minister of Agriculture and Rural Development): Go raibh maith agat, a Phríomh-LeasCheann Comhairle, agus comhghairdeas do Ian Milne on his maiden speech. I thank those Members who tabled the motion and everybody who contributed to the debate.

As Members said, the less-favoured areas are dominated by small farms with grazing livestock, mainly sheep and beef, playing a central role. Such farms are frequently run by part-time farmers. The farm household may have other sources of income, but the farm unit still forms a central part of the family farm life. In turn, those families play a key role in sustaining the vitality of our rural communities through their many and varied economic and social interactions.

These farms also contribute significantly to our environmental heritage. The land tends to be of high environmental value, with many of these

disadvantaged areas designated as areas of outstanding natural beauty, Natura 2000 sites or areas of special scientific interest. They are a major environmental asset for us all, and it is vital that active and sustainable agricultural land management is undertaken to preserve such landscapes for future generations.

Hill farmers provide that positive land management role for us and have proved to be dedicated custodians of our unique landscape and natural heritage.

We need to recognise and sustain their role.

Members have acknowledged that hill farmers, like all farmers, have been hit by a series of challenges in the past 12 to 18 months. Farm incomes across the North fell by more than 50% in 2012 to £143 million — that will be the subject of a debate in the House tomorrow. The weakening of the euro reduced single farm payment receipts and depressed producer prices, while poor cereal harvests in Europe and elsewhere pushed up animal feed prices.

Against that backdrop, we have also seen, very graphically, the impact of adverse weather conditions, and many Members referred to that throughout the debate. The snowstorm of the weekend of 22 March to 24 March was an extreme weather event, resulting in the worst conditions experienced in many decades.

I recognise that the circumstances in which hill farmers find themselves require tailored and flexible support from my Department. This support ranges from income support to environmental payments, education, training and technology transfer, as well as wider support for the farm family. I will now outline the types of support in further detail.

Single farm payments are extremely important to our farming industry as a whole, providing around £250 million annually to farm businesses. Some 65% of those payments currently goes to businesses located in LFAs. I am pleased to say that the number of 2012 single farm payment claims completed to date totals 97% and that a total of over £239 million has been paid. It is anticipated that the remaining inspected cases will be finalised by the end of May, which is well ahead of last year. However, I will not be complacent about that. I am keen to ensure that our systems and processes continue to evolve so that we can issue payments as soon as we possibly can.

The 2013 application process has just closed. I fully appreciate that it has been very challenging for many people, with the issue of

new maps and associated requirements. I would like to place on record today my sincere thanks to the farming community for working closely with the Department on that major task. It is an investment that will provide a much sounder platform from which we can all move forward.

The LFA compensatory allowance scheme is a key support mechanism for hill farmers that provides about £25 million of support annually. Over 13,000 farmers working in LFAs have already received their 2013 LFACA payment, which equates to about £22.5 million. I am pleased to say that, in what was a very difficult year for hill farmers, payments were issued some three weeks earlier than in previous years.

As I mentioned previously, hill farmers carry out a vital land management role, which is recognised through agrienvironment schemes. Over 9,000 farmers in less-favoured areas currently take part in such schemes, accounting for three quarters of the total number of applicants. I have taken steps to improve the timeliness of payments to farmers in the countryside management scheme. The first payment of 2012 claims began in April 2013, which is some five months earlier than last year.

Payments to farmers in older agrienvironment schemes continued throughout the calendar year. Currently, the agrienvironment programme as a whole provides a significant £25 million of funding to around 12,000 farmers. However, agrienvironment schemes are just one of a range of opportunities that exist under the current rural development programme to help the sustainability of rural farmers.

Axis 1 of the rural development programme continues to support farmers and farm families to adjust their businesses to improve competitiveness and sustainability. The farm modernisation programme and the current focus farm and mentoring programmes are helping hill farmers to adapt for future changes.

Under the first tranche of the farm modernisation programme and the manure efficiency technology scheme (METS), the financial support paid to farm businesses in which more than 50% of the land is in an LFA totalled £2.3 million, which equated to 574 farm businesses.

In recognition of the particular difficulties experienced by farmers in hill areas, the second tranche of the farm modernisation programme prioritised support for the modernisation of farm

businesses in which more than 50% of the land is located in an LFA. As a result, 94% of all tranche 2 expenditure went to farmers with land in these areas. I am happy to inform Members that I am considering the criteria for tranche 4.

There are currently 17 focus farms that could be classed as hill farms, covering mainly the sheep and beef sectors. These farms aim to demonstrate good farming practice, modern technology, innovative farm methods and on-farm research through farm walks, discussion and follow-up mentoring, which is relevant to farmers in disadvantaged areas.

Support is also available for hill farmers from the LEADER approach programme to assist with diversifying a farm business away from agriculture or to create an off-farm business. It is also vital that the funding available from the rural development programme is targeted and maximised. To that end, I have made a further £5 million available for the provision of rural broadband, and, as I said, I have agreed to pay for the 2014 LFACA scheme from the current budget, subject to EU approval.

8.30 pm

Beyond European funding, there are other departmental supports available to hill farmers. The key to sustainable hill farming is young people entering the industry. You will be aware that the Department of Agriculture and Rural Development, through the College of Agriculture, Food and Rural Enterprise, provides programmes of further and higher education to equip young people for entry into farming. Currently, 743 people are enrolled on full-time programmes at the college. The college is also piloting a programme of training to support young farmers in the early stages of their farming career.

As Members referred to, the Agri-Food Strategy Board's action plan report 'Going for Growth — Investing in Success' was launched at last week's very successful Balmoral show. It contains over 100 recommendations that impact on the entire sector. Some of the recommendations are specific to the particular needs of individual subsectors. The report sets out challenging and ambitious targets for growth, including a projected 60% increase in sales to £7 billion by 2020.

Like other Members, I am particularly pleased about the board's central premise that agrifood is a single supply chain and its recognition of the need to maximise sustainable and improved profitability for all members of that chain so that the farmer is no longer treated as the poor

relation. That is very much captured in the board's vision of growing a sustainable, profitable and integrated agrifood supply chain that is focused on delivering the needs of the market.

The report also calls for greater cognisance of the value of upland grazing in managing biodiversity. It recommends that new agrienvironment schemes be aligned with a sustainability agenda for agriculture, including the promotion of increased woodland and biodiversity in our production systems as part of our overall brand image.

We received the report just recently, but the board is in place for three years, and we look forward to getting into more detail —

Mr Byrne: I appreciate the Minister's giving way. As she will be aware, Mr Tony O'Neill, the chairman of the Agri-Food Strategy Board, last week set out very challenging objectives. One of the things that he asked about is the amount of resources that the Department will be able to provide over the next three years. Has the Minister any indication of what that amount might be?

Mrs O'Neill: We received the report just recently. One of its recommendations is an Executive investment of £400 million that would then leverage £1.3 billion from the industry. That is what the industry is calling for. It is ambitious, but I think that it is doable. As I said, we have only just received the report. We will consider it in more detail over the next period.

I will pick up on a few issues raised by Members. The weekend announcement on the fodder scheme is very much welcomed by Members and the wider farming community. I assure the Committee Chairman that no farmer will be affected by the de minimis rules. We have come to an arrangement with the unions that we will get fodder out to everybody and that nobody will be disadvantaged because of the hardship payment that we brought forward. As I said at the start, it has been a very difficult year for the farming community. The hardship payment that we were able to announce and get Executive agreement on is very positive.

One of the areas that will have a significant impact in the future is CAP reform. The Southern Irish presidency has the ambitious aim of reaching an agreement by the end of June. That will certainly be challenging, but, by all indications, it is likely to happen. From all of that, we need to secure a flexible policy framework that allows us to tailor the new CAP to meet the needs of our local industry,

including hill farmers. I am working very hard to achieve that. After June, once we have the reform deals done at EU level, we need to bring the package back home. That is when we can have the conversation about how we can best shape it to suit our local needs. I will be looking for significant and constructive stakeholder engagement from Members and the industry.

Even as things stand in the negotiation stage of the current pillar 2 proposals, there is a range of options that could be used to sustain hill farming. Those include knowledge transfer and measures to enhance competitiveness, to preserve our ecosystem and to promote social inclusion and economic development in rural areas. I intend to consult more widely on the rural development proposals later this year. We should be looking towards a capital support grant and funding that is able to assist farmers with sheds. Over the past number of months, I have been out and seen the state of some sheds. We need that funding even for health and safety reasons, because some sheds are in very poor condition.

So, that is something that we should be looking towards after June, when we get to that stage of the CAP negotiations.

Hopefully, Members can take from this that I totally take on board and recognise the difficulties being faced by hill farmers. They, like the wider agricultural sector, have had to deal with poor conditions: a prolonged winter, a poor spring, a lack of grass growth and the snow. It has been a particularly difficult 18 months for the entire farming community. This debate has been very helpful, and I look forward to the debate tomorrow: they bring particular focus to the issues. I will continue to fight for farmers in the North in the CAP negotiations and make sure that we pursue all opportunities that can bring about additional advantage for all our farmers. Thanks to everybody for the debate today.

Mr Rogers: Two months ago, an unusually late fall of snow in the Mourne, the Sperrins and the glens hit the farming industry and had disastrous consequences for hill farmers. Farmers were at the centre of the media's attention, with sheep and even cattle being dug out of the snow and fodder being airlifted in. Today, most of the snow has gone. The images of despair have disappeared from our TV screens and from the minds of many, but not from the minds of the hill farmers or the minds of people such as me, who many years ago was a sheep farmer, albeit part-time, and looked forward to the lambing season as the highlight of the year.

When you visit the small farmer, away from the cameras and the photo opportunities, he tells you, "Well, I managed to save 11 lambs out of 48." If you go to a neighbouring farmer whose shed roof collapsed under the weight of snow, which rendered his seed potatoes in the shed useless, the level of devastation really hits home to you. What has happened? The dead stock has been removed, but that is about it. The news of the fodder at the weekend was welcome, but why are we always playing second fiddle to our Irish counterparts? We needed the fodder a month ago.

Farmers in my constituency who lost stock are no longer disappointed: they are downright angry with the lack of support from DARD. Nearly two months has elapsed, and all they keep saying to me is, "Not a penny yet." We are now being promised a task force, and, in their words, "A task force will not pay for the extra feed. It will not keep the bank manager happy." Farmers are crying out, "Where is the money?" They also remind me about the differential response when flooding events take place, and when people receive their £1,000 within a few days.

Our hill farmers are in dire straits. Feed costs have spiralled out of control this year due to the poorer value of feed and a late spring. Add all those things up, and then add them to increased vet fees, broken fences, roofless sheds, decimated breeding stocks and no cash flow. Minister, we really need this payment out soon. You talked about the end of June, but we need it as soon as possible. Surely, the reason for going *de minimis* was to get it out as soon as possible. My colleague Joe Byrne suggested a flat-rate payment of £2,000 a few weeks ago, but it seemed to fall on deaf ears. Farmers need the money now. There are no interest-free loans from the banks.

Minister, the Executive have money for other schemes, but little for those who live in the LFAs. The SDLP amendment indicates that farmers need assistance to re-roof their sheds and make them weatherproof. That could be part of a rural environmental improvement scheme; a DARD equivalent of Department for Social Development schemes in our town centres. That would be a win-win, not just for our farmers but for the construction industry.

Minister, agrifood is an area of potential growth, and I acknowledge your statement at the Balmoral show last week, but only if the promises turn into real jobs. The hill farmer begins the food chain in many instances, with the sheep and suckler herds. If you do not look

after the hill farmer, the industry will wither. It is the hill farmer who rears the stock for the lowlander to finish. Northern Ireland suckler farms are in areas that are not suitable for high production as the land quality determines what you can grow. If we do not increase the supply, there will be no additional agricultural produce to process.

It is important that, as the CAP reform looms, our small hill farmers have financial encouragement to stay on the land. We have a social responsibility to look after the small farmers, who make up 65% of the rural infrastructure, otherwise our rural areas will be decimated.

Sustainability of farming in LFAs must become a priority for DARD. It is my firm belief that we need to incentivise the retention of the native breeds. It was good to see their prominence at the Balmoral show.

Why did I, when I was a sheep farmer, cross a Mourne blackface with a Cheviot, and then maybe the next generation with a Suffolk? It was to get a higher quality carcass and, at the same, so that the herd could summer-graze on the hill. The countries that produce the most efficient beef and sheep use native breeds. A cow that can calve without the need to call the vet can save a farmer £200, compared with one that needs a caesarean.

If hill farming is to become sustainable, farmers need to receive premium prices for native breeds in the marketplace, and the processors should pay not just for the high-quality product but for the job that farmers are doing to sustain the environment. I commend DARD's promotion of focus farms, but there needs to be more of them in the hill areas such as the Mournes. Farmers need to be encouraged into sustainable systems of farming that provide for the ecosystem and, at the same time, provide raw material for the meat industry.

Finally, Minister, I did not hear you mention the amendment during your speech, but I will summarise a number of points. Farmers need money out immediately —

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

Mr Rogers: — and a scheme to repair sheds and fences. We need to ensure that CAP is reformed, incentivise the promotion of native breeds and create more focus farms.

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

Mr Hazzard: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Unsurprisingly, I, too, support the motion, which is very timely on the back of the Minister's very positive comments at the Balmoral show. It is a pleasure to take part in tonight's debate.

First, I will outline some of the key points that were made before wrapping up with a few points of my own. My colleague Ian Milne outlined the current hardships being endured by our local farmers, including the rising cost of feed, and he paid tribute to their efforts in maintaining our beautiful countryside. It is vital that we do all that we can to help them, and we should use any opportunities created by CAP reform to support our farmers.

Joe Byrne, the Deputy Chair of the Committee, supported the motion but wanted the inclusion of grant-aid schemes for buildings. He used the example of the 1980s when up to 40% in grant aid was available for that, and said that we should look to explore a replication of that scheme. He also said that 77% of land in Ireland is classified as LFA, which highlights the need for a regional approach to CAP reform.

The Chair of the Committee, Paul Frew, said that it is important to support all farmers. Indeed, that call was issued by all his DUP colleagues, who said that we should look across the board, not just at the hills but the lowlands. He said that agrifood growth should be the driver for prosperity for our farmers and outlined a lot of the realities that hill farmers face: a very harsh life. Indeed, he mentioned the impact on mental health, and that point was well made.

Jo-Anne Dobson outlined the unique experiences of hill farming and the recent hardships but went on to commend the Minister for doing a great job in responding to that hardship. Kieran McCarthy was keen to support the motion and glad that the Minister responded in a positive manner. He appealed for farming to be made sustainable and future-proof.

William Irwin, as a farmer, is well aware of the difficulties. He said that everybody was shocked and that the hardship payments were greatly welcomed. He was critical of the de minimis settings and outlined that point well. He said that our agrifood and rural crime unit was to be welcomed and that primary producers need help. He said that the prices of feed are very worrying and that, going forward,

the farmer must be the most important element in the supply chain.

Declan McAleer said that hill farmers are the custodians of our beautiful countryside but that it is a very harsh living not least because the weather can play havoc and the conditions are not easy. He welcomed the Minister's proactive and decisive action in supporting our rural communities in this time of hardship and spoke of the emotion and trauma experienced by our farming communities. Tom Buchanan said that all sectors in farming were under pressure and that the Minister should not neglect lowland farmers. He also talked about the potential of diversification.

Robin Swann called for all-party support for tomorrow's farming motion, which he said was very important. He talked about the loneliness of hill farming and said that hill farmers deserved special mention through the motion. He welcomed the fact that they were being singled out for attention. He contrasted the reduction in net income with the stereotype that farmers are sometimes known by and their callous portrayal by some. He talked about the real impact of net incomes reducing, the importance of environmental schemes and said, once again, that farmers are the custodians of the countryside.

The Minister, Michelle O'Neill, outlined the vital role that hill farmers play in maintaining our beautiful countryside, recognised the hardships that they face and spoke of the need for flexible and appropriate help from the Department. She mentioned that 94% of tranche 2 expenditure went to hill farmers and said that that was real and tangible support when needed. However, she warned against complacency, committed herself to continue to protect the interests of our local farmers and looked towards help for farmers in replacing sheds as we go forward.

The Minister was out with me in Kilcoo during the trouble, so she knows only too well what it was like.

8.45 pm

Sean Rogers spoke of the need and outlined the realities on the ground. The money has to be out quicker, and we need more than just a task force. It would be right to criticise the European approach to de minimis, but if it were not for de minimis, any route would have been far longer than what we are faced with now. Indeed, the Minister said that we will get more than just a task force. It is probably right to point out that such proposals need to go in front

of the Committee first for it to have its say. That needs to take place.

As I said at the start, I support the motion. As has been outlined tonight, recent statistics and anecdotal evidence alike illustrate quite graphically the financial pressures that farmers are experiencing across the North and, indeed, across much of Ireland. The importance of the CAP direct payments in protecting and supporting local farmers has been well known for years, but perhaps it is fair to suggest that the recent arctic conditions in places such as the Mournes, the glens, Slieve Croob and the Dromara hills have reinforced the need for an appropriate and flexible reformed CAP system to meet the needs of local hill farmers. Therefore, I am very heartened to hear the words of the Minister here tonight.

It is important to stress that we need to be optimistic about the future opportunities for farmers, including hill farmers. Future developments, such as those that are outlined in the Agri-Food Strategy Board's report and the upcoming rural development programme, should be viewed as opportunities for growing the local industry in tandem with off-farm opportunities for farm families.

The key driver of change will be our ability to ensure that the local industry, and particularly young farmers, are best placed to capitalise on any opportunities. As was referred to earlier, speaking at the Balmoral show last week, the Minister revealed that at least £50 million is provided each year under axis 2 funding to assist farmers with improving the environment and countryside. The less-favoured area compensatory allowance is claimed annually by some 13,500 farm businesses, and, in 2012, around 12,000 farmers carried out environmental enhancement work on 440,000 hectares of land under agrienvironment scheme agreement. That highlights how important this sort of work is.

Mr Swann: Will the Member give way?

Mr Hazzard: Yes, indeed.

Mr Swann: On the environmental schemes, will the Member agree that the field boundary restoration work that has been undertaken and the fact that anyone who has undertaken field boundary restoration work is nearly at 100% inspection are also slowing up anyone who has done the environmental schemes and therefore is actually putting more farmers off completing those?

Mr Hazzard: I thank the Member for his intervention. That highlights some of the difficulties in dealing with this and shows the importance of always looking for ways to improve the existing schemes. As I said, the Minister and the Department have shown themselves to be flexible recently in doing that.

The Minister also revealed that over £73 million has been committed to almost 1,500 projects under axis 3, assisting nearly 300 farm businesses in diversification. Additionally, investments have supported 241 microenterprises and created almost 308 new jobs, providing a further economic and quality-of-life stimulus in rural communities. This is the type of strategic investment that has given rural Ireland a real boost, providing vital investment in our countryside.

If we are to successfully attract young farmers to remain on the land in areas such as the Mournes or Slieve Croob, the attractiveness of the industry as a place to forge a long-term career will be driven to a significant degree by its inherent profitability and long-term prospects. Many of the realities that we have talked about here tonight show the importance of why we need to address them. Thankfully, these long-term prospects are regarded as being much more positive now than they have been for many years, and I look forward to seeing this being rolled out in the future.

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

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly recognises the particular and unique difficulties experienced by hill farmers; and calls on the Minister of Agriculture and Rural Development to earmark grant aid support for the improvement of farm buildings and bring forward additional measures to support the sustainability of farming on lands classified as less-favoured areas.

Adjourned at 8.49 pm.



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