

# Official Report (Hansard)

Monday 5 November 2012  
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# Northern Ireland Assembly

Monday 5 November 2012

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

*Members observed two minutes' silence.*

## Matter of the Day

### Murder of Prison Officer David Black

**Mr Speaker:** The Rt Hon Peter Robinson is given leave to make a statement on the murder of Prison Officer David Black, which fulfils the criteria set out in Standing Order 24. I remind the House of the recent changes to matters of the day. Members other than Mr Robinson should indicate clearly if they wish to be called by rising in their place and continuing to do so, as happens very much at Question Time. I expect that a number of Members will wish to speak, and I ask them to assist me by being clearly on their feet when I look down the Chamber. All Members called will have up to three minutes to speak on the subject. If that is clear, we will proceed.

**Mr P Robinson:** Mr Speaker, last Thursday morning, Northern Ireland was stunned and distraught to learn of the cowardly murder of a brave public servant while he was travelling on his way to work at Maghaberry prison. David Black, a prison officer, was attacked on the motorway between Portadown and Lurgan. A car with Dublin registration plates drove up beside him, a number of shots were fired from it, and his car veered into the ditch. David Black was declared dead shortly afterwards, murdered by terrorists.

All those who have spoken and those who knew David have described him as being a thoroughly decent Ulsterman and as someone who was devoted to his wife, Yvonne, his two children, Kyle and Kyra, and his elderly parents. I visited Mrs Black and her family at their home in Cookstown. As I held her in my arms, listening to her sobbing, I could not help but sense the utter futility of that assassination. Here was a family completely devastated, a family who would never be the same again, a family who would feel the pain and loss for the rest of their lives, and what had been gained? The Assembly and the Executive will not fall or collapse — far from it. We are united in condemnation and reinforced in our

determination to create a stable, shared and peaceful society. The murder will not bring about any changes to the prison regime at Maghaberry, and every sane person in the land believes that those who carried out the killing are odious, hate-filled deviants and psychopaths who should be locked up for life.

So let the Assembly speak out today with one voice in condemning those responsible and calling on the community to co-operate with the police by providing any information that may build a case to convict those who were responsible. Let us also remember David's prison officer colleagues, who serve day and daily on our behalf in the most difficult and trying circumstances and who are vulnerable, not just while working in the prison but on their way to and from work and even in their home. I endorse the calls of those who have raised their voice to ask for greater security measures to be given to prison officers and to ensure that measures that have been withdrawn or not maintained are brought up to date and are functioning properly. Three Executive Ministers have some responsibility that touches on this issue, as does the Secretary of State, and I trust that they will get together. Although I have no direct responsibility, I am happy, if they wish me to, to co-ordinate a meeting to ensure that we have means at our disposal to give the utmost security to prison officers as they move forward. However, most of all, let us send to Yvonne, Kyle, Kyra and David's elderly parents our sympathy and condolences, our prayers and our love and our expression of resolve that those who murdered David will never win. We will give our complete support in the hunting down and convicting of those responsible.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle. Sinn Féin believes that the death of David Black was utterly pointless. It will resolve nothing in the prisons or in wider society. It is not part of any strategy or campaign. All that has happened is that a family has been plunged into grief. The people responsible or those who act as their political spokespersons need to explain themselves to our communities. Time and again, when these factions carry out violent

acts, we get complete silence from those who, at other times, are only too willing to come on to the airwaves and attack the political process. It is patently obvious that the peace process will not be derailed by killings such as this. It has not in the past; it will not in the future. That is the reality. People need to realise that these actions are absolutely pointless. Our thoughts are with the family: Yvonne, Kyra, Kyle and David Black's parents. Táimid ag smaoiniamh orthu inniu.

**Mr Ford (The Minister of Justice):** I wish to speak on behalf of my Alliance Party colleagues and all my colleagues in the justice system: the Department, the police, probation, youth justice and, most of all, the Prison Service. As the First Minister said, the murder of David Black is, first, a tragedy for his family. As I stood and named David to the media last Thursday morning, I was very conscious that I was speaking just a few minutes after his children had been told that their father had been murdered and their lives had been turned upside down. So let us remember today the bereaved family: David's wife, son and daughter and his parents and sister. They are in the entire community's thoughts and prayers. I hope that they will take some comfort from that knowledge and from the utter revulsion with which David's murder has been greeted universally.

I condemned the murder last week, and I stand here to condemn it again today. It was a crime of the worst sort: the murder of an innocent man. It was cold-blooded and utterly ruthless. He was a defenceless man going to do his work, a man who, as we know, served this community well and with dedication and courage as a prison officer. It was a crime carried out in a way that put at risk the life of everybody who was travelling on the M1 at the time. Those who planned and carried out this dreadful murder seem more wedded to the struggle than to any possible cause, for they know that nothing that they do will change the mind of the vast majority of us, all the people of Ireland, whom they claim to speak for. The past is the past, and we are building a different future. The response to this murder must surely make it clear to them how utterly out of touch they are.

Others who know David personally have spoken well and eloquently in the past few days of him as a family man, as a representative in the community and as a member of his family and his Church. Last Friday, I had the opportunity to find out the kind of man he was as a prison officer. When I arrived at Maghaberry prison, I found the governor and

the deputy discussing how they could accommodate the wishes of prisoners to show their sympathy to the Black family. That surely speaks more eloquently than anything that any of us could say. He was clearly somebody who, to use the biblical phrase, had gone the extra mile on numerous occasions to show his care for those whom he looked after.

When I went over to the committal landings in Bann House, where David worked, there was an utterly subdued atmosphere. I have never known any part of a prison to be so quiet. Staff and prisoners alike were in a mood of great sadness and great respect for David and were utterly upset by his loss. I was told there of David's concern for the welfare of the most vulnerable prisoners who had come through the committal process. One young man there was an orderly who was able to say that he had got that post because David had put his trust in him and recognised what he could do. Colleagues spoke of his friendship as a colleague to them.

The murder of David Black has united the people of Northern Ireland in grief and opposition to those who carried out that deed. Those of us in the Assembly, the Church leaders, the civic leaders in Cookstown and the local clergy of all denominations have spoken with a united voice. That has been matched by our colleagues across the border. One of the first to ring me last Thursday was Alan Shatter, the Minister for Justice and Equality, who was passing on good wishes, sympathy and support at this difficult time to those of us in the justice system and, most particularly, the Black family. President Higgins rang me personally on Thursday afternoon to ask me to pass on his condolences to Mrs Black, which I did on Friday. It is clear from that kind of response that the terrorists stand in total opposition to the people of Ireland, North and South.

I know that the police, with the support of the Prison Service, will do all that they can to catch the perpetrators and see that they are brought to justice. I will do what I can to ensure that the Chief Constable has the resources that he needs to carry that out. I know that the PSNI is already receiving the full support of an Garda Síochána, but, of course, as the First Minister also said, it needs the support of the community and any possible bit of information that might help to catch the perpetrators and ensure their conviction.

In the House, we are united in opposition to those who committed the crime, but let us remember most of all those who are suffering particularly at this time — David's colleagues in the Prison Service and, supremely of all, his

wife, Yvonne; his son, Kyle; his daughter, Kyra; his parents; and his sister, Lorraine — and let us assure them that they are in our thoughts and prayers.

**Mr Nesbitt:** The Ulster Unionist Party stands united in expressing our sympathy to and solidarity with the Black family. The murder has implications for all of us, but it is, first and foremost, a human tragedy. It is something with real meaning lying only with the Blacks, with Yvonne — a wife now a widow — the son and daughter, the wider family circle and Mr Black's friends and work colleagues. Nobody who has visited the Black household can be in any doubt of the human tragedy and the almost bottomless grief that is being expressed.

David Black did nothing more extraordinary on Thursday morning than get up and drive to work. Why and on whose authority was that journey denied him? Who made the decision that he had to die? It was not the people of Northern Ireland, because they voted in 1998 on an agreed way forward. They voted for a political process so inclusive of every shade of opinion and political grouping, no matter how comparatively small, that everybody had the chance of a place at the political table. They voted for this House and this set of political institutions. They voted for a new start that would put the economy, education, health and housing at the heart of the political debate and would give new-found respect for the rule of law and make a career in policing or in the Prison Service as respectable and as sought after as it is in any modern democracy. It was in that context that David Black drove to work on Thursday morning, a context in which for 14 years our arms have been open offering an inclusive process for all. So, why was David Black denied the chance to go to work? On whose authority? It was not mine and not that of the people of Northern Ireland or the people of the Republic of Ireland.

It is chilling to the blood to try to understand the mentality of those who sat down and planned and then executed this murder. Like Members of this House, I have listened to people speculating on the sort of person who carried it out. We can have that debate all day long and get nowhere. Are they psychopaths, simply wedded to the thrill of murder? Possibly they are, but let us not allow that this murder was the result of someone or some people with some form of mental illness. They chose to do what they did. In doing it, they also chose to reject the offer of inclusion that has been theirs for 14 years. They have rejected inclusion, as did the killers of Constables Stephen Carroll and Ronan Kerr and those who murdered Patrick

Azimkar and Mark Quinsey at Massereene army barracks or those who horrendously injured Constable Peadar Heffron. The people who carried out those acts had 14 years to choose inclusion. They have chosen exclusion, and that must have consequences. They have no place on this island.

**12.15 pm**

**Dr McDonnell:** Like other Members, I offer my deepest sympathy to the family, friends and work colleagues of David Black on the atrocity that took place last Thursday morning that was his murder. Although it is natural that much of the publicity in the press and around this Building surrounding this cruel murder assassination relates to the wider political implications for us all, in my mind I cannot help but think again and again of the family that he has left behind, a family to whom he was a husband, a father and a son. I extend my sympathy and humble prayers and the sympathy of the SDLP to that decent family.

This foul murder achieved nothing. Those who planned and perpetrated it have, by their own hand, in many ways excluded themselves from any role in our future, in the political processes and in political progress. They stand condemned by all in Northern Ireland and across the island of Ireland today and every day.

Again, I extend my sympathy, prayers and best wishes in this very difficult and grief-stricken time to that family, who did nothing to deserve this.

**Mr I McCrea:** David Black was well known in the Cookstown area as a loving father, husband and son. Finding the words is very difficult. He was known not only as a father, a son and a husband but as a friend to very many people in the Cookstown community, of whom I was one. David was a gentleman and a very easy-going man who was always up for a laugh. In many people's eyes, he was a very easy target for those who wanted to carry out this brutal murder.

As my party leader said, David was brutally murdered last Thursday morning. The shock when the news reached the local community of Cookstown was unbelievable. People whom I have spoken to and received messages from find it difficult to believe that David has been brutally taken. The killing of prison officers did not become wrong on Thursday; it has always been wrong, and it always will be wrong. The family have made it clear that they do not want

any revenge, but they do demand justice. The family has gone through quite a bit. David's wife lost her father in a tragic farming accident almost a year ago. She was preparing to deal with that anniversary. David's murder has brought back many memories and made things worse.

What has this achieved? I do not believe that the assassination has achieved anything for those who carried it out. As Yvonne said when the First Minister, Lord Morrow and I visited her, if only these people would come and see the tragedy and how this has left a family to grieve, they would see that it has achieved nothing for the cause of Ireland, if that is what they believe it was for. I welcome the condemnation from across Northern Ireland and many other parts of the world. The family will be more than grateful for that.

Sadly, Mid Ulster is a constituency that has suffered at the hands of republicans for many years. People there hoped that it had ended, but, sadly, they have witnessed another atrocity. I condemn it, and the local community condemns it. The local community has been united in its condemnation. We will not accept the continuation of this type of activity. I appeal to anyone who has information to come forward, as do the family. It is important that they get justice, and the only way that can happen is by getting information. I appeal to anyone with information to come forward immediately.

**Mr Allister:** This was undoubtedly a dastardly IRA murder. One's thoughts and sympathies immediately are with the Black family: the widow and the two fatherless children. They stand in a very dark and difficult place, where so many people have stood in the past. Little comfort as it brings, it is relevant and necessary at this time to say that the community as a whole is thinking of them .

Some say that the murder was utterly futile, but we have to face the fact that this dastardly murder followed a well set Provo template in which you create discord, difficulty and protest inside the prison and then you begin to murder prison officers outside the prison. Where did we see that before? Many, many times. Indeed, 29 prison officers were butchered by the IRA in pursuit of the same template. People say it was futile, and yet we look at the structures of this House and we see that, sadly, the violence of the past paid. That is still a motivator for those who perpetrate today's IRA violence. They look at those who perpetrated previous prison officer and police murders and conclude, sadly correctly, that it worked for

them. The structures of the House are an ineloquent testimony to that sad, hideous reality. These structures are built on the reward of terrorism and the buy-off of terrorism.

The odious, hate-filled deviants who murdered David Black are no better or worse than the odious, hate-filled deviants who butchered in the name of the Provisional IRA and whose murders are still justified today in the House as those of the IRA. Part of the driving force for that continues to be the sad reality that this community rewarded that. Politicians in this community, for the sake of office, rewarded that, and in doing so they set their own template that violence, alas, can pay. I trust that on this occasion it will not, but, given the history of the past, one can have little confidence that that will be so.

**Mr Givan:** David Black was well known to my family. Indeed, I went to school with some of his relatives. Having visited the home, I know the grief that that family has been plunged into and the devastation that that family faces is something that I never want to have to face in my home. David's wife, Yvonne, best described to me how she feels about the attack. It was Yvonne who used the word "futile". That is exactly what the attack was. It was futile, best described by the widow of David Black.

It was almost 20 years since this society had witnessed the murder of a prison officer. The officers that I spoke to at Maghaberry on Friday had hoped that those days were gone. Sadly, it has been brought back into our community. Poignantly, this Friday sees the annual memorial service for the officers murdered during the terrorist campaign. David was due to take part in that service to honour colleagues of his who had been murdered. Now, David will be remembered by all of us on Friday.

There is no political strategy and no amount of public support that can ever justify murder. It was wrong in the past when 29 officers were murdered, and it is wrong today. As for those who believe that they may get away with this, I encourage the community to provide information to the police to bring them before the courts so that this family can have justice. There will be a day when all of us are held to account before the almighty judge, and justice will be brought to those that have perpetrated this crime and the countless other crimes in our past.

**Mr McGlone:** The murder of David Black was a callous and pointless act of violence, and my thoughts at this time are with the Black and



Hyndman families, two very well respected families locally.

During the past few days, the phrase frequently on people's lips in regard to those families was "good people". They were well respected, well got and good people in the local community. My sympathies also extend to his colleagues at his place of work.

### 12.30 pm

Those responsible for this despicable murder must be given no hiding place in this society, and I urge anyone with any shred of information to pass it on to the police. In their use of violence, those responsible have demonstrated that they have learnt nothing from the failure of and suffering caused by violent campaigns of the past. There is no united Ireland at the end of that violent path. The Provisionals eventually realised it, and the latest incarnation of violent republicans must, too. The rest of us cannot wait for that penny to drop again. Together, all parties now committed to the political process must show that politics can and will deliver a better future for all people in this society. All our political parties need to redouble our efforts together to show the real responsibility for delivering effective policies and to build that new society. If there is to be a truly shared future here, the people need to see genuine building of that future together.

In their loss of David, I offer my sincerest personal sympathy to the entire family circle.

**Mrs Overend:** I stand here this afternoon with a heavy heart and offer my sympathies to Yvonne, Kyle, Kyra and the whole family. This is an absolute tragedy for the family, and my thoughts are with them and with David Black's colleagues as they attempt to deal with the aftermath of this shocking murder.

Like many others, I visited the family on Friday morning and saw the utter devastation that this thoughtless act has caused to David's widow, Yvonne, his children and the whole family. They had been preparing for the anniversary of the death of Yvonne's father, Glenny Hyndman, who was a member of our party. He was killed almost a year ago in a farming accident. I know that Yvonne was going to find that particularly difficult. They thought that that tragedy could not be beaten, and then this happened, and they are now dealing with another absolutely tragic loss. Yet again, the actions of the minority have ripped apart a family and the community.

As I spoke to Yvonne's family, it was clear that this has brought many in that family back 20 to 30 years, when tragedy visited so many families of those working in the security forces to protect the people of Northern Ireland. I know that many others in the Mid Ulster constituency still suffer from the heartbreak that terrorism brought over the troubled years, and we must find ways to support those people.

These people will not be allowed to succeed, and their views are not held by any right-thinking people in Northern Ireland. I call on anyone with information to contact the police and to bring these terrorists to justice.

I call on everyone to continue to pray for Yvonne, Kyle, Kyra and the whole Black and Hyndman families at this time so that they can find strength in the time ahead.

**Mr McNarry:** On behalf of UKIP, I offer our genuine and heartfelt condolence to Mrs Black, her family and her husband's friends and colleagues in the Prison Service and the Orange Institution. There is sadness because this murder of a good man should not have happened, coupled with anger that it did happen and despair that even today's commentators are saying that this execution was no surprise. I hear the nauseating apologists say that these recycled Provos are a minority, represent no one and have no mandate. Is the point not that they do not care about Mrs Black and her grieving family and do not require or seek a mandate? Any nonsense about prison rights is particularly galling this day or any day when used to excuse the capacity to seek out and execute an innocent man in cold blood. I say to my friend beside me, Mr Allister, that it has not worked for anyone else, and it will not work for anyone else, because this is Northern Ireland. It is because we believe that it will not work. So, one way to tell others to stop is to say today to your erstwhile friends that your activity in terrorism did not work and was wrong, and it is still wrong today.

Our thoughts, Mr Speaker, must be with Mrs Black and her family, so that she knows that we are with them, as the First Minister said, in their dark times; that this House is not full of hypocrites; and that what we say today, we mean and will put into practice. What we are saying is that this House is resolved to put into prison those who carried out this murderous crime. This House will be content when it sees that action happening.

**Mr Bell:** David Black's life stands as a testimony to hope. The terrorists who cruelly and evilly assassinated him stand for hatred.

David Black's life will be the legacy of a man who served everyone in the community without fear or favour. He rose from his bed early in the morning and worked until late at night. He worked every day of the year to keep this community safe. The legacy that the terrorists offer will, ultimately, be defeated because life will always triumph over the death squads of hatred, and good will always triumph over evil. That is a cold comfort for his wife, Yvonne, and his children Kyle and Kyra, who have had stolen from them a good husband and a good father.

Let us be very clear that the murder of police officers and prison officers did not become wrong in 1998; it was always wrong. It was wrong in 1988 and 1978, and it was wrong from the day and hour that it started.

I pay tribute to the First Minister. From 1970, you have been with the prison officers. On 30 occasions, you have stayed in the front line of politics to stand with those people who have lost their loved ones and to offer hope and commitment. Let the terrorists be in absolutely no doubt whatsoever. They are delusional if they think that, while we will suffer pain, grieve and feel empathy for children who have lost a father, we will ever submit to terrorists' dogma. We will never give up on the rule of law; we will never give up on democracy. They are defeated before they start.

Let us pay tribute to the prison officers. Many of us have family members who have served in that capacity. My late uncle served for many years. The prison officers of today are no different from those of before. They could not take their children out to the cinema. They had to watch their wives as they put washing on the line, so that a uniform was not put out. They had to change their routes to work. Prison officers whom I know in Newtownards could not even answer their front doors; other members of the family had to do it for many years. They lived under the most unbelievable stress and faced vile evil and hatred.

Today, there are a number of prisoners who stand as an excellent testimony to the work that the Justice Minister has spoken of. Those prisoners have offered their support to a prison officer who did his duty with integrity and decency and supported them in prison in the course of their rehabilitation. However, make no mistake that there are other prisoners who feel that it is right to taunt other prison officers with hatred about the death of a colleague and with the names of their wives and children as they go about and serve us. The prison officers of today, like the prison officers before, will

continue to do their duty with integrity and decency. They will uphold human rights against the death squads of terrorism, and they will face the vile abuse that they receive in prisons with the courage and dignity that they have always shown. We pay tribute to them, and we do not underestimate the nature of the hatred that is being piled against them. It is for us all as a society today to stand with each and every one of our prison officers and say to them that we will support you, as you face this evil threat against you, and we will support your families, who come under a secondary level of threat because you do a job for each and every one of us in the House.

I turn back to Yvonne, Kyle and Kyra: your husband and your father served us all. We will never, ever be able to pay back the debt that we owe to that man who was cruelly murdered. He offered us life and hope; he offered us decency and human rights; and he offered us courage in the face of terrorism. His legacy, ultimately, will be successful over the terrorists.

The murder of David Black was unjustified and unjustifiable. The murder of the 29 other prison officers was equally unjustified and equally unjustifiable.

**Mr Speaker:** We are out of time. However, three Members have indicated that they want to speak on the subject. I will call them if they will be brief.

**Mr McCarthy:** Thank you. I will be brief. Thank you for giving me the opportunity to say a few words on this totally and utterly despicable act of violence. When I first heard about it, I was shocked to the core. The first thing that comes into your mind is this: it is someone in my neighbourhood? I know some of my constituents who serve the community in the capacity of a prison officer. However, it was not; it was David Black. David Black served the community for 30-odd years, and for this to happen at the end of his career is unbelievable and shocking. I offer my absolute and total sympathy to the Black family. Everything good has been said about David, and that is the way that it should be.

May I just say, briefly, that this has been a horrendous week. On Saturday morning in my constituency, along with other Members, I stood at the cenotaph in Comber to remember the young officer, Channing Day, who lost her life. Together, those things have shattered our community. On behalf of myself, my party and my family, I offer to Channing's family and to David Black's family my total sympathy and

sorrow. If there is anything that can be done, I will certainly do it.

**Mr McClarty:** Thank you for allowing me the opportunity to express my revulsion at and condemnation of the heinous murder of David Black. As other Members have said, this despicable act has achieved absolutely nothing except to plunge a family into deep grief. The actions of these evil individuals are futile and will not succeed. Like others, I pray for the family of David Black, and I call upon all right-thinking people to co-operate with the police investigation, so that the perpetrators of this vile act can be brought to justice.

Not all murders of prison officers have been carried out by republicans. A terrorist, therefore, is a terrorist, is a terrorist, no matter what clothes they wear.

**Mrs D Kelly:** I join others in expressing my sincere condolences to the Black and Hyndman families. On behalf of the people of north Lurgan in the area where the murder was committed, I put on record our utter revulsion at those who, in the midst of that community, have brought such shame and horror to that community and shattered that family. I ask those who have not yet come forward to put the courage in their hands and come forward and assist the police in their investigation. Last week, the people of Inglewood made tea throughout the night for the police while they cordoned off the area where the car was abandoned. I commend those good people and call for all those with any scrap of information, no matter how small, to please come forward so that the perpetrators can be put behind bars.

**12.45 pm**

**Mr Speaker:** I ask all Members to stand for one minute's silence in reflection on the matters spoken and as an expression of support for the Black family at this time.

*Members observed one minute's silence.*

## Public Petition: Parkhall Integrated College, Antrim

**Mr Speaker:** Mr Trevor Clarke has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak.

**Mr Clarke:** It gives me great pleasure to present this petition on behalf of the parents and supporters of Parkhall high school, some of whom are in the Public Gallery today. I know the passion that the parents, friends and supporters of Parkhall have for this newbuild. The fact that one of the grandparents, who was one of the main organisers of the petition, is here today is testimony to that.

Parkhall school was built over 40 years ago and has served the community particularly well. However, we are all aware of the pressures in education, and Antrim borough in particular has had a very dramatic time. The cuts in education provision have left us with just one controlled school in the area, Parkhall, and one in Crumlin.

Antrim is the principal and largest town in the borough. It is unfortunate that the school has fallen into such disrepair, but, as I said, other schools have been removed, which has left exceeding pressure on Parkhall. The school is falling into such disrepair that, when visiting on a particular day, buckets to collect water could be seen in the corridors. We understand the pressure on the education system and the maintenance cuts, but those cuts over the years have resulted in the school's demise. As I look around the Chamber, it is interesting to see that every political party has been represented and has supported the representations that the school principal made to the Minister and the board. That says a lot for Antrim's Parkhall school.

The other factor is that because of the state of the budgets and the pressures that schools are under, Parkhall shares two sites: one is the former site of another school, the other is Parkhall's original site. More than 725 children attend the school every day, but it is unfortunate that the pressures on the budget mean that staff have to travel between the two sites to educate them. That is putting exceeding pressure on the school at this time.

Two to three years ago, the school went through a transformation to change to controlled integrated status. Part of the education board's promise and pledge at that time was that the school would get a new

building. It is unfortunate that the promise that was made to parents for the past two to three years —

**Mr Speaker:** The Member must draw his remarks to a close.

**Mr Clarke:** I appreciate that. The new building that was promised to parents for the past two to three years has not been forthcoming. I am handing you the petition, Mr Speaker, on behalf of those parents to pledge support for that newbuild in Antrim.

*Mr Clarke moved forward and laid the petition on the Table.*

**Mr Speaker:** I thank the Member for the petition. I will forward copies to the Minister of Education and the Chairperson of the Committee for Education.

## Public Petition: Artillery Youth Centre, Belfast

**Mr Speaker:** Mr Alban Maginness has sought leave to submit a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak on the matter.

**Mr A Maginness:** It is an honour to represent the Artillery Youth Centre, which is situated just off the New Lodge Road in north Belfast. The centre has served the community since 1969. Since then, it has been dedicated as a youth club. It has been at the heart of the community since it opened its doors just before the Troubles broke out. Throughout the 1970s and 1980s, the Artillery Youth Centre was a refuge for children and young people from the area. Since 1997, the centre has been operated by the Artillery Steering Group, which is a voluntary group of parents, former members of the youth centre and, indeed, young people themselves. It has received next to no money from the Belfast Education and Library Board.

Towards the end of August 2012, out of the blue, the Belfast Education and Library Board served notice on the centre to close its doors and vacate the premises. That was done without giving any notice whatsoever to the club. Since that happened, because of the public reaction, its closure has been deferred until 31 December. Of course, that is to be welcomed. However, it should not be the final state of affairs. The centre must go on. It has served the community in an outstanding fashion.

In appreciation of the work that the centre has done, an evaluation that KPMG carried out on behalf of the Office of the First Minister and deputy First Minister found the centre to have:

*"Inspirational, dedicated, dynamic, suitably qualified and experienced Youth Workers who are cognisant of the issues facing the local community."*

The report continued:

*"The commitment of both staff and volunteers was apparent."*

That says a lot about that youth centre and the value that it gives to the whole community. Artillery Youth Centre is a rare example of youth-led practice. It is a service that is valued highly by families in the area and by children and young adults right across north Belfast. That is evidenced by the petition that is being presented, which has over 3,000 names,

including those of 500 children and young people.

**Mr Speaker:** The Member must draw his remarks to a close.

**Mr A Maginness:** The threat of closure remains over the premises. I believe that the petition is a fair and just call to the Assembly and, in particular, to the Minister of Education and the Minister for Social Development to support the continued work of the centre.

*Mr A Maginness moved forward and laid the petition on the Table.*

**Mr Speaker:** I thank the Member for the petition. Once again, I will forward copies to the Minister of Education and the Chairperson of the Committee for Education.

## Ministerial Statement

### Employment Law Review

**Mr Speaker:** The Minister for Employment and Learning wishes to make a statement to the House.

**Dr Farry (The Minister for Employment and Learning):** With permission, I wish to make a statement on my review of employment law in Northern Ireland. As Members will be aware, many of the fundamental rights and protections of workers and employees are established at European Union level. However, national and regional Governments have some discretion over how they implement and administer employment law. Northern Ireland is the only region in the UK where employment law is devolved. We, therefore, have the opportunity to locally develop a modern, efficient and integrated employment relations system in which economic competitiveness and workers' rights are balanced and, indeed, placed in harmony with each other.

The purpose of today's statement is to provide Members with an understanding of the very broad scope of the employment law review, set out what progress has already been made and explain how I intend to proceed on a number of critical aspects of the review. Unfortunately, the debate around employment law is often pitched as the interests of business against the rights of workers. I reject the argument that this has to be a zero-sum situation. We can fashion an employment law system that works in the interests of business, helps our economy to grow, attracts investment, encourages companies to recruit new staff and, at the same time, provides sufficient protection for the rights of employees, with opportunities for redress.

Devolution allows us to shape employment law and its implementation to suit the particular circumstances of Northern Ireland. However, we must also recognise that many companies are transnational and trans-regional in respect of how they do business, and unnecessary differences in law and in the administration of law can be problematic. Northern Ireland is not on its own in looking to reform its employment law system. Great Britain and the Republic of Ireland have also embarked on very ambitious programmes of reform, which are being presented as strategic responses to the current economic downturn.

Historically, Northern Ireland has sought to mirror Great Britain, by and large, with respect to employment law matters. The clear

advantages of consistency have been recognised. Therefore, legislation in both jurisdictions is strikingly similar. However, that is not always the case. During the previous mandate, the Assembly passed the Employment Act (Northern Ireland) 2011, which made fundamental changes to the way in which workplace disputes are resolved in Northern Ireland. In contrast to the situation in Great Britain, it retained the statutory procedures that employers are required to follow when taking disciplinary action or dismissing an employee. Our legislation also modified our already unique fair employment legislation to make it possible for fair employment tribunal and industrial tribunal cases to be considered in a single hearing.

Since coming into office, I have continued to develop and maintain the Northern Ireland employment law framework, and last year, I secured the Assembly's agreement to transpose the agency workers directive. There was a compelling case for opting into the 12-week derogation, which had been agreed between the social partners at UK level. That achieves an estimated 60% reduction per annum in the regulatory costs to business.

In September this year, I launched the Labour Relations Agency's (LRA) enhanced statutory arbitration scheme, which now offers a viable alternative to employment tribunals. That service is not available in the rest of the UK. It confirms my commitment to deliver on early intervention and prevention in government.

My Department's employment law review is a key action in the Executive's economic strategy. I issued a discussion paper in May 2012. The Department received 35 substantive responses to the paper, and I am very grateful for what were thoughtful and measured contributions. I have just completed a further series of meetings with some key stakeholders that proved invaluable in helping me to determine how we should now proceed.

Before publishing my response to the discussion paper, I want to share with Members some of the key messages from what has been a very positive engagement with stakeholders and set out the next steps that should lead to a formal public consultation in early 2013.

The first review theme deals with the early resolution of workplace disputes, and it generated significant comment. Concerns had been raised by all sides about the costs of tribunals and not just the cost of legal representation. There are the opportunity costs, the associated reputational risks and the

uncertainty of outcomes. The process can be stressful for claimants and employers. We all know that tribunals were intended to offer a quick, low-cost legal consideration of workplace disputes.

However, they have taken on many vestiges of a formal court setting. It is said that the adversarial nature of tribunal proceedings deters many potential claimants from pursuing a case, which, for me, raises concerns about access to justice. It is also suggested that many employers, in particular smaller ones, settle a case, even when the claim has little merit to avoid significant upheaval to business operations. Again, that is unsustainable in economic terms.

### 1.00 pm

I have given a commitment to make tribunal proceedings more efficient, but the reality is that a full legal process of this kind will always be resource intensive. The real solution is for employers and employees to use their best endeavours to resolve their differences through early and less formal resolution processes. Accordingly, there is strong support for increased use of early resolution as a viable alternative to employment tribunals.

*(Mr Principal Deputy Speaker [Mr Molloy] in the Chair)*

The services provided by the Labour Relations Agency are highly valued by stakeholders. It offers a range of high quality and responsive early resolution services that, in many cases, obviate the need to go to an employment tribunal. The view of all stakeholders is that there is a need to identify effective mechanisms to encourage or incentivise parties to use early resolution mechanisms as an alternative to formal litigation. There is a need to increase the uptake of the agency's pre-claim conciliation and arbitration services. However, opinion is divided on the proposal that all potential tribunal claims should be directed, in the first instance, to the LRA.

Finally, there is a need to explore the feasibility of introducing early neutral evaluation to give parties a realistic appreciation of their options at the pre-claim stage, and even when a claim has been lodged with the industrial tribunal. That should provide an effective filter mechanism for weak or out-of-time tribunal claims that could be handled more effectively through alternative dispute resolution services.

I recognise that the employment law framework has become very complex, which has implications for the conduct of tribunal proceedings. Nevertheless, we need to look for opportunities to improve the quality of the tribunal experience for employees and employers.

Turning to employment tribunals, the following points were made by stakeholders. There is a strong view that tribunal proceedings should be more consistent. Many suggest that the rules committee, which advises on the procedures governing employment tribunals, should actively consider the recommendations of the Great Britain review led by Mr Justice Underhill. In turn, many argue that the tribunal users' forum needs to be more representative of employee and employer interests. In addition, there is strong opposition to tribunal chairmen sitting alone in unfair dismissal cases.

There is also little support for the payment of witness expenses, and opinion is divided on the introduction of a fee structure. Finally, and unsurprisingly, there is only limited support for an increase in the maximum pre-hearing deposit from £500 to £1,000, and no meaningful support for an increase in the maximum amount of costs or the introduction of financial penalties. However, we will wish to consider a greater use of deposit hearings, where that is merited.

The third aspect of the employment law discussion paper focused on measures to reduce the regulatory burden of existing employment legislation. Opinion is polarised on a number of legislative proposals, with employer interests viewing them as pro-growth measures, and employee representatives arguing that they will undermine employment rights.

The UK Government increased the qualifying period for unfair dismissal across Great Britain from one to two years from 6 April 2012. Employer bodies suggested that Northern Ireland will be less attractive to foreign investors unless we follow suit. Unions and other citizen interest groups argued that there was no evidence to support this measure, and that any increase in the qualifying period will simply introduce unwelcome volatility or distortions to the labour market.

Similar positions have been adopted in respect of proposals to reduce the consultation period for collective redundancies and to amend the TUPE provisions. However, there was consensus in relation to the compensated no-

fault dismissal proposal, which was rejected by the vast majority of stakeholders.

The discussion process has achieved a shared understanding of the policy proposals that need to be taken forward as part of the employment law review. Equally, it has identified the proposals that do not merit further consideration. I have, therefore, decided to take no further action on the following policy proposals: tribunal chairmen sitting alone in unfair dismissal cases; the introduction of new requirements on parties to pay witness expenses; any increase in the maximum amount of tribunal costs awards; and the introduction of financial penalties for breaches of employment rights, as that would, in effect, be a double punishment. I also reassure people that we will not be pursuing compensated no-fault dismissals for small and medium-sized (SME) enterprises, as was suggested in the Beecroft report in Great Britain.

I am committed to taking forward initiatives that have a positive impact on the way in which workplace disputes are resolved. To facilitate potential action on certain issues, I have asked my officials to immediately commence work on the following projects: a benchmarking exercise to identify international best practice in employment relations; a research project to establish the correlation between levels of employment regulation and competitiveness; and an evaluation of the outcomes of the research project that was recently commissioned by my Department to identify the support mechanisms that the SME sector requires to comply with employment law.

I will also ask the Labour Relations Agency to undertake the following early resolution projects: the development of a detailed delivery model for routing all claims through the agency; enhanced promotion of the agency's pre-claim conciliation and arbitration services, with a view to substantially increasing the uptake of those services; and a study to determine the feasibility of introducing early neutral evaluation as part of the agency's package of early resolution services. Those steps should further consolidate an emphasis on early intervention and prevention.

There is also a need to improve the experience of people accessing employment tribunals and to produce a more effective service. I will ask the tribunal rules committee to produce a single, consolidated set of tribunal rules that take into account the applicability of the recommendations of Mr Justice Underhill's review in Great Britain. Mr Justice Underhill

has produced draft rules that are designed to be clearer, simpler and more concise. His recommendations include better guidance on matters of good practice and internal procedures; stronger powers to manage cases and set timescales for the consideration of cases; and measures to encourage the greater use of alternative dispute resolution. One key opportunity would be to introduce a form of early neutral evaluation into the tribunal service. Appropriate mechanisms will be put in place to enable a wider cross section of tribunal users and stakeholders to provide feedback into that process.

There are other policy issues that I have identified as being worthy of further consideration, many of which would require legislation. I will briefly outline a number of those in a moment. There will be a need for a more detailed appraisal of the proposals, and the development of potential options, before seeking Executive approval to go out to public consultation. In parallel with my ongoing discussions with departmental officials, the LRA is hosting a round-table forum of the key employee and employer bodies to identify proposals that are agreeable to all stakeholders. We have not had that type of structured engagement between key social partners for quite some time. I am encouraged by the commitment of the key stakeholders to work collaboratively to reach a consensus on a range of measures that would bring substantive improvements to our current employment relations system. I will give serious consideration to any employment relations proposals that enjoy the support of employee and employer interests.

The first of the key areas that remain under active consideration is the requirement for potential tribunal claims to be referred or routed to the LRA in the first instance. The objective will be to create conditions in which people are encouraged to consider the merits of resolving their disputes without the need to go through a formal legal process. The qualification period for unfair dismissal is another policy issue that requires careful consideration. In Great Britain, the qualification period was recently extended from one year to two years on the basis that it would increase business confidence, encourage companies to recruit more staff and potentially reduce the number of tribunal claims. It is argued that any difference in the medium term between Northern Ireland and Great Britain in that area would undermine our competitive position and become a negative factor for investors when they are considering location options for investments. By contrast, others point out that Northern Ireland, Great

Britain and the Republic of Ireland already have some of the most liberal labour laws in the world. They also point to a risk that workers in a more uncertain employment situation will be less likely to spend in the local economy. In addition, given our particularly strong equality protections, there is a danger that claims that would otherwise have been for unfair dismissal will simply be taken as alleged discrimination cases, which can be more complex and costly.

As a change with regard to unfair dismissals may have limited practical impact, some may say that the case for Northern Ireland marketing itself presentationally in similar terms to Great Britain is, therefore, much easier to make. By contrast, others may draw an opposite conclusion and claim that there is less need for reform. Ultimately, I believe that this is a sufficiently critical matter for the Northern Ireland economy to be considered further as part of a focused public consultation in which the views of stakeholders can be properly taken into account. That aspect of employment law must remain on our agenda, but there will be no predetermined outcome. Any consultation in this area would enable the advocates of change to set out its potential benefits, seek to assess the validity of all the various arguments and examine viable available options.

The potential for introducing a process of protected conversations will also be explored. That might allow for an employer to have a conversation with an employee about sensitive issues, such as performance and retirement, on the basis that those conversations would be not be admissible in an unfair dismissal tribunal hearing. Any analysis will examine not only the viability of such conversations but the form that they may take, including the legal and operational implications. Additionally, I will be considering the policy for compromise agreements, which are formal, legally binding agreements that follow the termination of an individual's employment. They usually provide for a severance payment by the employer, in return for which the employee undertakes not to pursue any claim to an industrial tribunal. Stakeholders confirmed the need to examine the processes and terminology of those agreements.

At this stage, I have also decided to leave the consultation periods for collective redundancy unchanged. Members will be all too aware of the recent redundancy announcements, which have such far-reaching implications for the affected employees, their companies and the wider Northern Ireland economy. My Department is committed to helping those employees to re-enter the labour market at the



earliest opportunity. I sense that this is not the right time to bring proposals that could potentially disadvantage employees who find themselves victims of the current economic downturn. We may return to that issue later in this mandate.

I have already indicated that this employment law review is predicated on Better Regulation principles. It is a Programme for Government commitment to take action to reduce unnecessary regulatory burdens. Therefore, it is my intention to launch a Better Regulation pilot, which will examine the Working Time Regulations and the Conduct of Employment Agencies and Employment Businesses Regulations, with a view to reducing unnecessary bureaucracy. The pilot will inform a wider review of all subordinate legislation that my Department will take forward in partnership with business and employee representative bodies.

My Department's review of employment law represents the most significant consideration of our employment relations system since employment law was devolved back to Northern Ireland in 1999. It covers every aspect of the employment relationship and will require a partnership involving all the employment relations representative bodies.

There are three key outcomes that all the reforms are designed to achieve. The first is to achieve greater harmony and cohesion in the workplace, to make Northern Ireland a model for employment relations and, in doing so, to consolidate its position as good place in which to do business. The second is to shift the balance of how any complaints are addressed significantly in the direction of the various forms of alternative dispute resolution. The third is to make the process within tribunals simpler and more efficient for the cases that will still follow that route.

I am sure the Employment and Learning Committee will want to further influence the conduct and outcomes of the review. The Committee will obviously determine how it would like to be involved, but I am pleased that it has invited me to an early meeting to discuss the scope of the review.

It is important to recognise that there is a very broad spectrum of opinion on how we should develop employment relations in Northern Ireland. There are many policy options to consider. I want to assure the House that I am committed to evidence-based policymaking, to better regulation and to making the decisions

that best serve employees and employers. I commend the statement to the House.

**1.15 pm**

**Mr B McCrea (The Chairperson of the Committee for Employment and Learning):** I am drawn to the comment in the Minister's statement about Mr Justice Underhill producing draft rules designed to be "clearer, simpler and more concise". I commend those words to the Minister because his presentation was somewhat heavyweight. We need to find a better way to deal with such issues. I have mentioned to the Minister previously that it is simply not helpful to present a document of this length and substance to Members, give them only a few minutes to scan it and expect them to ask questions on the matter. Other Members will, no doubt, mention that.

I have now made my point on behalf of the Committee for Employment and Learning and will mention a number of other issues. The Minister stated that the employment law framework has become very complex. To me, it is something of an understatement that the totally unsatisfactory experience of employers and employees in this process requires a radical change. However, after we have gone through research paper after research paper, it seems to be taking a very long time to get things resolved. Could we not take the lead in some of the issues and be more timely in our execution of the work? Northern Ireland is facing some really difficult unemployment challenges, and we could use our devolved powers in this area quickly, properly and with the full consultation of the Committee. If we were to do that, we would make a real difference. The challenge for the Minister is that we do not want to be dealing with the issue in three years' time. We need to deal with it within one year.

**Dr Farry:** I thank the Chair of the Committee for those comments. At times, you sense that you are in a no-win situation, particularly with the Chair. This is an important area of responsibility for the Department and, indeed, for Northern Ireland. This is the first time during this mandate that the House has had a significant opportunity to discuss the full range of our employment law system. I rather fear that if I were to bring a very short statement to the House, I would be accused of being superficial and giving an important subject light treatment. If I bring a detailed statement that sets out the broad range of all our actions, we are also criticised.

I am rather bemused by the Chair's comments about the procedures for the statement. The statement was made available entirely in line with normal protocols. Given that, quite appropriately, we have had today a very detailed Matter of the Day, Members have had ample time to consider the statement. As many Members are aware, at Westminster, statements are not made available to Members at all. The first time that they hear about a statement is when a Minister rises in his or her place. I am not sure whether the Chair's comments are, therefore, entirely appropriate.

The area that we are dealing with is, of course, complex. However, I am committed to driving the issue forward and to making any necessary changes, quite a number of which will require changes not only to primary but to secondary legislation. If the Chair has indeed made a commitment that the Committee will be seized of the matter and be proactive in considering any statutory rules or legislation that is brought to the House to ensure that we take the issue forward, I welcome that.

I welcome the Chair's comments about Northern Ireland striking out and being a leader, and I believe that there are opportunities for us. I will highlight a number of points. The single arbitration scheme is already in place, and Northern Ireland is the only region of the UK to have such an alternative. In that sense, we are setting a strong precedent. In other areas that I have set out today, particularly to do with protected conversations, Northern Ireland may have the potential to be a policy trailblazer, given that my counterparts in the Department for Business, Innovation and Skills seem to have backed away from that a little bit over the past months.

By the same token, our scope for innovation is limited in the sense that we have to recognise that we are part of a wider islands and European framework, and we have to take into account what is happening in other jurisdictions. We have to ensure, particularly on items that affect how businesses do business across boundaries, that we are not creating a situation where we are the outliers or unnecessary operational burdens for businesses.

**Mr Ross:** I will, perhaps, be kinder to the Minister. This is a very weighty issue, so I think that a weighty statement is entirely appropriate, particularly given the concern that there is among the business community that Northern Ireland may fall behind the rest of the United Kingdom.

In his statement, the Minister mentioned how small businesses would be given more confidence to hire staff and create jobs if they were to extend the qualifying period for unfair dismissal. May I put it to the Minister that one of the big pitches that is made regarding inward investment — a pitch that is made to investors in the US — is that Northern Ireland operates under the same regulatory system as the rest of the UK? Does the Minister agree that there would, perhaps, be a danger if we were to fall behind changes that were being made in GB and to have a different regulatory system from the rest of the United Kingdom, particularly with regard to multinational companies, from which we are trying to draw such backroom operations as HR, for instance? Furthermore, inward investors who are looking to choose between investing in Northern Ireland or somewhere in GB could look at us less favourably if we had a tougher regulatory system. Those are the reasons why we need to be pushing forward with reform.

**Dr Farry:** I thank the Member for his comments, particularly his acknowledgement that this is an important matter, one that we have to give due consideration. I appreciate that he is seeking to have a debate on the matter in the Assembly some time in the near future. I fully understand the arguments that he is making, and they would be echoed by a large number of business organisations. It is one factor that has to be considered in relation to whether Northern Ireland follows suit with an extension of the qualifying period for unfair dismissal. The arguments that the Member has made are strong, and I hear them made. At present, there is a lack of evidence to formally back them up, but I think that it is important that we try to gather that evidence-base, so that we can ensure that we are following it through with evidence-based policy-making.

At the same time, we have to be aware that counterarguments have been made by other quarters, and there is the potential for unintended consequences in Northern Ireland. In particular, we have much stronger anti-discrimination measures. We also have a culture of more people taking cases based on alleged discrimination. We need to be wary of a situation in which potential claimants would simply find a way around an extension of unfair dismissal and take a greater number of discrimination cases, which, themselves, are more complex and costly and which could, inadvertently, create bigger issues for business. It is, therefore, important that we consider all the issues in the round.

I give the House a commitment that this is a sufficiently important issue to remain on the formal agenda. It will be part of proposals that I intend to take to the Executive for a more formal public consultation around any measures that require legislation. We can have a proper rounded debate on whether it is an appropriate measure for Northern Ireland.

**Mr McElduff:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Tá dhá cheist agam don Aire. I thank the Minister for his comprehensive statement. Will the Minister tell us about preliminary engagement that his Department may have had with the trade unions, notably ICTU, on the matter? Given that the employment law review is under way in the rest of the island of Ireland, has the issue been discussed at the North/South Ministerial Council? If so, will the Minister give some indication of emerging issues of common interest?

**Dr Farry:** I thank the Member for his comments and his acknowledgement that this is, indeed, a very comprehensive area. I have been very active in engaging with stakeholders. Our first step was to have a discussion paper, which was almost a form of Green Paper. It attracted 35 substantive responses. One of those was from the Northern Ireland Committee of ICTU. In that response, it was very clear that it was responding on behalf of the entire trade union movement in Northern Ireland. I had a meeting with it only last week. At that meeting, we discussed a large range of issues.

The Republic of Ireland is also significantly reforming its system of employment law, and I have discussed these matters with my counterpart there, Richard Bruton. The review is not formally part of the North/South Ministerial Council structures. Nevertheless, we will have ongoing bilateral discussions, and, indeed, my officials will engage with their counterparts in Mr Bruton's Department as well. Dublin is consolidating its processes, with the aim of having a single body equivalent of our Labour Relations Agency and its own labour court. So we can learn a lot of lessons from each other, and I am happy to take those forward.

**Mr P Ramsey:** I welcome the Minister's statement and his personal commitment and determination to get the right evidence-based approach. I sympathise with the Committee Chair, who I think was right, as we got the statement only a few minutes before 12.00 noon. It is quite a detailed and complex paper, and it is important that the Committee has sight

of that. I presume that the statement was drafted last week and not just this morning. The Minister may shake his head, but anyway, is he content that the Labour Relations Agency has the resources to deal with the potential of all tribunal cases being referred to it or through it?

**Dr Farry:** I thank Mr Ramsey for his comments. I am almost tempted to raise my own point of order just to get the Principal Deputy Speaker to confirm that the statement complied with all the normal procedures and, indeed, did so with a generous amount of time to spare. For the record, the statement was issued to Members at 11.20 am, well in advance of the required time. Let me nail that we have complied fully with what is expected of us when dealing with such a weighty matter. Members of the Committee will have the chance to return to this issue when I visit it next Wednesday. We can also have many other discussions over the coming weeks. This is only the first bite of the cherry.

I am conscious of the point that the Member made about the resourcing of the Labour Relations Agency. We are shifting the balance of what happens in our employment law system towards early resolution and various forms of alternative dispute resolution. So we will have to look at the resourcing of the LRA to ensure that it has the capacity to meet the additional workload that we are trying to shift in its direction.

**Mr Lyttle:** I, too, welcome the statement and the notice that the Minister gave the House of his intentions to reform employment law.

**Mr B McCrea:** How good to see you in the Chamber.

**Mr Lyttle:** The Committee Chair often feels that he has to make a show on these types of issues, and he has done that this morning, so he has done his bit.

I welcome the fact that the Minister is committed to delivering a system that is good for business and for workers and that he has designated early dispute resolution as an important part of that system. Will he tell the House a bit more about how the new early neutral evaluation system that he mentioned introducing would help to improve employment relations?

**Dr Farry:** I thank the Member for his comments and for his positive welcome for the statement. It is important to acknowledge that early neutral

evaluation could be opportune at two different points in the system, the first of which relates to the Labour Relations Agency and the second to the tribunal system, where it would be practised as part of the case management process. We are seeking to give people clear, early advice about the prospects for their claims. Often, people will take forward a claim without any real understanding of the relative prospects of its success or otherwise. That can lead to a lot of unrealistic expectations building up and a lot of time being wasted, and that applies to employers and to employees. A form of early neutral evaluation would allow people to receive a proper assessment of their claim. It does not deny them the opportunity to take their claim the full distance, if that is what they are determined to do. However, if someone is to receive guidance that they have a weak claim, a weak defence to a claim or that the time limit for taking a claim has expired, it is important to transmit that information at the earliest possible opportunity.

**1.30 pm**

**Mr Buchanan:** I thank the Minister for his statement. As he said, it is an important issue, and it is one that we fully agree with. Given its importance, I would have thought that it would have been prudent to have the statement somewhat earlier than we did, and I support the Chair's comments.

I will get to the question. The statement says:

*"Devolution allows us to shape employment law".*

Can you therefore tell us what input employers have had? How you will ensure that it is not enshrined in bureaucracy and does not become a burden to employers? That is what we are plagued with at the moment. It is a burden to employers, so how will you ensure that that does not happen? On the way forward, you mentioned that you had instructed a number of your staff to carry forward certain projects. Can you give us any indication of when that work will be completed?

**Dr Farry:** I thank the Deputy Chair for his comments. I rather suspect that he and the Chair are now ganging up on me, but we will return to that in due course.

Employers have been very much engaged with the process. Most if not all of the employer representative bodies responded to the consultation. I have had meetings with each of the employer bodies to enable them to set out

their views and to allow me to explain how I intend to take things forward. I appreciate that employment law at present is burdensome to employers and is very confusing for potential claimants. This is not an either/or situation in which we help employers at the expense of claimants. If we take forward the reforms, it can be a win-win for everyone concerned.

The real meat of the statement and the area in which we can potentially have the biggest impact on assisting employers is the reform of the tribunal rules themselves. A lot of employers find going to a tribunal a very daunting process. As well as the uncertainty about the outcome and the potential for a judgement to be made against them, there are risks to a business's reputation. It is also a strong drain on staff time if they have to be at a tribunal for hearings when they could be otherwise doing business. So, we want to have a much more efficient and effective way for tribunal cases to be heard. We want to try, through early neutral evaluation, to discourage people from taking cases that are weak any further. We also want to have a shift in the balance of where cases are addressed, moving them away from tribunals towards the various forms of alternative dispute resolution, which would be much quicker and more effective and would be done confidentially, so that people can move on quickly to doing business, maximising employment and making money for the rest of the economy.

**Mr Flanagan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle, agus gabhaim buíochas leis an Aire as an ráiteas fada a thug sé dúinn inniu. Thank you, Mr Principal Deputy Speaker. I thank the Minister for his lengthy statement. Given some of his comments about the time frame, he must be optimistic about his future. It appears from his statement and the response to it that he is damned if he does and damned if he doesn't.

The Minister will be aware of the introduction of a minimum payment, known as the living wage, in some parts of Britain, some local authorities and some companies. This is actually Living Wage Week, and the new rate of minimum living wage is now £7.45 in Britain. Has the Minister given or will he give any consideration to the introduction of a similar scheme here?

**Dr Farry:** I thank the Member for his comments. I will just continue doing my job for as long as I am here. In politics, we all have a short life expectancy anyway, so we will see how it all goes.

I am aware of the debates that are taking place. I rather suspect that they are for another place, but they may merit at least an indicative discussion in the Assembly to test the waters and to see how Members feel about them. Of course, the setting of wages above the threshold should really be a matter, by and large, for businesses themselves in making those judgement calls. Equally, however, I fully support what we currently have: a national minimum wage setting a floor for what the basic standards should be. Whether we go beyond that is an interesting debate.

**Mr Anderson:** I, too, thank the Minister for his statement, even given the concerns that have been expressed about the lateness of its arrival. We talked about the statement amounting to seven pages, but it is in quite fine print, so it could be extended to 14 pages. The Chair will be pleased to know that I was able to get to the first page, on which the Minister states that employment law is often pitched as the interests of business against the rights of workers. Does the Minister accept that it is vital that he and his officials work closely with the Minister of Enterprise, Trade and Investment and her officials to ensure that there is a holistic approach to getting the balance right between the needs of businesses and the rights of employees?

**Dr Farry:** I thank the Member for his comments. Again, just for the record, the statement was not late: it was on time and fully in line with protocols. Given the way in which Members are behaving, I am tempted to add an extra four or five pages if I am ever back to the Assembly to make a statement so that I can put you through even more detail. I am all for showing exactly what we are doing as a Department and not sweeping things under the carpet so that we can have a full debate on all the issues and ramifications arising from them.

I have discussed the review with my counterpart the Minister of Enterprise, Trade and Investment, and I am more than happy to continue those discussions over the coming weeks and months. What we are doing here as part of the review is identified in the wider economic strategy and reinforces a number of objectives in the Programme for Government. In many respects, this is a cross-cutting issue, and, ultimately, most if not all of what we do in Northern Ireland has to be geared towards the economy, creating job opportunities for people and creating the wealth that we can then share and spend on public services.

**Mrs Overend:** I thank the Minister for his statement. I welcome his comments on wanting to improve efficiency and effectiveness. Northern Ireland is renowned for gold-plating the various directives that come from Europe, whether they are to do with agriculture or employment law, so I hope that in all his future work he continues to pursue efficiency and effectiveness.

This is a crucial issue. The Minister has asked his officials to commence work immediately on three projects, as well as providing further detail on work by the Labour Relations Agency. Can he provide a timeline for action, and can he tell us when he will come back to the Assembly on these points? It is good that we have goals, but we also need timeliness and results.

**Dr Farry:** I thank the Member for her question. On the issue of regulation, I will say that I am a committed European; I believe that the European Union is a wonderful thing. However, that does not mean that I am in favour of gold-plating every regulation that comes from the European Union.

In my statement, I indicated that I was committed to a better regulation pilot. We recognise that, at present, regulations can be very complex, so we will start with a pilot on the working time and conduct of employment agency regulations. The working time regulations have, I think, been amended 16 or 17 times over the past number of years, so they are confusing, and there is evidence of a certain degree of gold-plating. The point of having reviews of regulations is to make that burden a lot more coherent and simpler for businesses. We will come back with the outcome of the reviews some time next year.

The Member rightly asked about timescales for the projects that I have identified. I apologise to Mr Anderson, who mentioned that point as well. There are three elements to this. There are things that I have asked the LRA to do, and those should be complete within a matter of months. On tribunal rules, I would like to think that we will conclude that process in the spring of 2013. It may be the latter part of the spring, but that is the general target. As regards the other aspects in which legislation is required, the intention is to bring a paper to the Executive. In the first instance, the Executive are the body that must agree to a public consultation. After they agree, a public consultation will then take three months. After that, the Department and indeed, in due course, the Executive will have to consider the outcome of any consultation with a view to taking forward any primary legislation. So, it will be well into

2013. Unfortunately, that is the way that we tend to operate in Northern Ireland.

**Ms Lo:** Many companies are already struggling due to the economic downturn without the burden of dealing with workplace disputes. How will the proposed reforms assist businesses?

**Dr Farry:** I thank the Member for her question. Assistance to business should be in a number of areas. First, we are encouraging much greater use of alternative dispute resolution as the means by which these issues can be addressed. That should be a much simpler and efficient means, and it should happen early in the process. It is important that all potential claimants and respondents are attracted to the various forms of alternative dispute resolution.

The new consolidated set of rules for tribunals will have a major impact on how businesses and other users, including claimants, experience tribunals. It should make tribunals a lot more efficient, understandable and consistent in how they handle things. The use of early neutral evaluation, whether as part of the work with the LRA or as part of the tribunals, will hopefully indicate where cases are weak or out of time and that parties are taking them forward at their own risk.

The use of deposit hearings is another aspect that it is important to highlight. At present, there is the option for any party to a dispute to ask for a deposit hearing. That option is used very sparingly, but it can be a useful way of establishing the credibility of one or other party in a case.

**Mr Cree:** I also thank the Minister for his report. I was intrigued by many things that he said but particularly by his comments that the purpose of regulations and the periodic review was to make them simpler. In my experience, the reverse is the case.

The Minister refers to the qualifying period for unfair dismissal. In Britain, it has now moved from one year to two years. He has not really commented on that, but I notice — if I can decode it — that he refers to it in his instruction to officials to commence work on projects including the research project to establish the correlation between levels of employment legislation and competitiveness. Is this merely a benchmarking exercise, or is a more innovative approach intended? Will the Minister share with the House what is envisaged?

**Dr Farry:** I thank the Member for his question. On the issue of regulations, the intention is to make the world simpler for business. That is why we are doing it. In my party's Assembly manifesto, we had a commitment to reduce the burden on businesses. Other parties have made similar commitments.

On the point about unfair dismissal, there was quite a lot in the statement, particularly towards the end, where I set out the arguments that have been made on whether we should change the qualifying period or keep it the same. The commitment that I make today is that this is an issue that we have to address in Northern Ireland in one way or another. I am currently minded to take it forward to the Executive as part of a paper of options to go out for public consultation. In the intervening period, I want to flesh out a number of the different arguments, to examine the evidence base and to see whether there are options available to us in Northern Ireland that mean that we do not quite have the same either/or situation as has applied in Great Britain. All of that is very much on the table.

At the same time, we have to recognise that this issue has been bouncing around for some time. As of June this year, Great Britain has moved to two years. In the Republic of Ireland, the period is one year, and there are no plans to change that position. Also, whether in Great Britain or Northern Ireland, the qualifying period has bounced around quite a bit, both up and down, over the past 20 or 30 years. At one time, it was as little as six months, and at other times in Northern Ireland it has been two years. It also tends to change quite frequently depending on the party that happens to be in power in Westminster, so there is a danger that, if we change it in Northern Ireland and there is a change of fortunes at Westminster, it could be changed back again. Leaving those issues aside, the period is very much on the agenda. We are not simply doing a bit of research around it; it is a viable policy option that is being given proper consideration and I intend to take it forward as part of a public consultation document with Executive approval.

1.45 pm

## Executive Committee Business

Air Passenger Duty (Setting of Rate)  
Bill: Further Consideration Stage

**Mr Principal Deputy Speaker:** I call on the Minister of Finance and Personnel to move the Further Consideration Stage of the Air Passenger Duty (Setting of Rate) Bill.

*Moved. — [Mr Wilson (The Minister of Finance and Personnel).]*

**Mr Principal Deputy Speaker:** As no amendments have been tabled, there is no opportunity to discuss the Air Passenger Duty (Setting of Rate) Bill today. The Further Consideration Stage of the Bill is, therefore, concluded.

## Committee Business

Muscular Dystrophy and Related  
Neuromuscular Conditions

**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 the motion and 10 minutes to wind. All other Members who wish to speak will have five minutes.

**Ms S Ramsey (The Chairperson of the Committee for Health, Social Services and Public Safety):** I beg to move

*That this Assembly welcomes 'The McCollum Report: Access to specialist neuromuscular care in Northern Ireland'; is concerned about the lack of specialised neuromuscular services revealed in the report; believes that a lead for muscular dystrophy and related neuromuscular conditions should be appointed from within Health and Social Care; recognises that significant funds are being wasted on unplanned emergency admissions to hospital; notes that investing small amounts in the development of specialised neuromuscular services can lead to a reduction in these unplanned emergency admissions; further recognises the vital evidence provided by the Muscular Dystrophy Campaign's Northern Ireland Muscle Group during the all-party group on muscular dystrophy inquiry; and calls on the Minister of Health, Social Services and Public Safety to act on the recommendations in the report.*

Go raibh maith agat. This is probably the longest Committee motion to come before the Assembly, but there is a reason behind that. We tried, where possible, to condense it, and I apologise for its length. I welcome the opportunity to bring the motion to the Assembly on behalf of the Committee. This is an issue that many Members have a strong interest in, and the debate will give them the chance to convey their views directly to the Minister, who, I assume, is on his way. *[Interruption.]* I welcome the Minister to the debate.

I want to begin by acknowledging the work that has been done by the various charities to highlight the issue and bring it to the public's attention. Many of the charities have met MLAs, and they have provided us with much useful information on muscular dystrophy. I formally thank them for taking the time and effort to do that.

The all-party group has done a lot of good work on the issue, and its commitment and ongoing work must be recognised. The all-party group carried out an inquiry from December 2011 to June 2012, and, in July 2012, it published the McCollum report, which explored access or, in many cases, the lack of access to specialist neuromuscular care. It looked at the gaps in provision and the impact that that had on people with the condition and their families. The report also identified examples of best practice and acknowledged the good work of health professionals. It sought to take a balanced view and focus on the positives as well as the negatives. The report contained 15 recommendations. I know that other Members, including some who are on the all-party group, will go into those in some detail, but it is important that I highlight a few that deserve particular mention.

The report recommends that a lead for muscular dystrophy is appointed from within HSC to take overall control. That person would be accountable for identifying and fixing the gaps in specialist care that require urgent service development. The campaign has advised that that set-up has been effective in Wales, with a recent draft document produced to recommend service improvements. The report also recommends that the Executive ensure that the care adviser post is secured long term in the HSC and that they take urgent steps to create more of those posts. Those steps will provide the best possible support and advice for people with the condition and related neuromuscular conditions and will reduce unplanned emergency admissions by investing small amounts to save large amounts in the long term. The campaign has advised that it is hoped that an appointment to the care adviser post, which has been vacant since November 2011, will be made in the next few weeks. That is welcome news for those involved in the campaign.

A further recommendation from the report is that the HSC and the Executive create a steering group for developing specialised neuromuscular services that incorporates the views of people affected by the conditions and includes health professionals, commissioners and the Muscular Dystrophy Campaign. Such steering groups have worked well in other places to identify gaps in services and patient needs.

I now turn to the work that the Health Committee has done on the issue. In March 2012, the Committee held an informal meeting with Action Duchenne, and representatives

from the charity brought the issue of the lack of a care adviser since 2011 to members' attention. They explained that the care adviser was vital as someone who could act as a contact point for families and co-ordinate treatment. On the back of that meeting, the Health Committee wrote to the Health and Social Care Board and asked it to look urgently at that matter. As I said, we are glad to hear that the issue now seems to be resolved and that someone will be in post very soon.

Action Duchenne also advised the Committee of the disparity in services for people here as compared with those in England or Scotland. They talked about the lack of a centre of excellence and the fact that their children have to travel to Newcastle in England for specialist care. We heard that the life expectancy for Duchenne sufferers here is in the late teens, whereas in England it is in the mid-20s. That is worrying and demonstrates the need for the HSC Board to keep a focus on that condition and on the services available. Action Duchenne raised the possibility of an all-Ireland centre of excellence, and the Committee was interested in that proposal. It is similar to what is being looked at for children's heart surgery at the minute. We wrote to the Minister and asked him to raise the issue at the next North/South Ministerial Council meeting, and I will be interested in hearing from the Minister later on the latest update on that possibility.

I conclude by endorsing the recommendations made in the McCollum report and, on behalf of the Committee, I ask that the Minister takes the recommendations forward as soon as possible. I commend the motion to the House.

**Mr Dunne:** I welcome the opportunity to speak on this important issue, which affects so many people across this country. Unfortunately, muscular dystrophy is a condition that affects around 2,000 people in Northern Ireland.

I will begin by commending the work of two North Down constituents, Gerry and Geraldine McCollum, for their brave efforts to date, following the very tragic death of their son Christopher, in working to improve services for those with this terrible condition. They are here today, and I welcome them and their colleagues and friends. They have both been a great credit to the memory of Christopher by helping to improve the life of those who suffer from the terrible disease of muscular dystrophy and related neuromuscular conditions. Having spoken with those directly affected by the condition, I was alarmed to hear that their son Christopher had to endure a wait of 18 months before getting a suitable engineered



wheelchair. I was encouraged to hear from Gerry about the work that his charity does in helping to provide purpose-built wheelchairs for young sufferers of this disease. I understand that a family with a child of just eight has recently benefited from a wheelchair provided by their charity.

As with many health issues, it is crucial that we do all we can to improve services and ensure that patients' care is right at the forefront. The stories of families affected by muscular dystrophy highlight the very trying and difficult circumstances that they have had to face on a daily basis. There is no doubt that it can be very difficult for families, friends and carers as they try to do their best for those who suffer from this terrible, deteriorating muscular condition. It is vital that an adequate support structure is put in place to help and support not just those who suffer directly from the condition but those around the sufferers who have to carry and share the burden of this terrible condition.

There is clearly room for improvement in increasing support services for those affected by this condition. I know that the Minister has taken a keen interest in the matter to date, and I know that he shares our vision of improving services for muscular dystrophy and improving and implementing practical measures, such as ensuring adequate wheelchair provision for sufferers, which should be given a higher priority, both to help the sufferers in their daily life and to reduce the workload on our health service through admissions. It is vital that the right resources are in place, and there is a need for more health specialists, consultants, doctors, nurses and physiotherapists to be available at the point of need.

I welcome the work of the Department to date on the provision of wheelchairs. The average time from assessment to issue is now 32 weeks which, I understand, is about eight months. It is still much too long, as patients continue to deteriorate and suffer without the support of a specialist wheelchair. I welcome the proposal of the board for a second bio-engineer to get the provision of purpose-built wheelchairs moving much more quickly.

I commend the work of the all-party working group on the issue and of those fighting for sufferers on the front line. I trust that we will continue to see improvements in the support of those who suffer from this very serious and difficult condition. I support the proposal of the Committee.

**Mr Swann:** I am the vice-chairman of the all-party group on muscular dystrophy, and I pay tribute to the Health Committee, through its Chair, for the work it has done for this great cause in bringing the motion to the House. I also pay tribute to all the individuals — clinicians, sufferers, families, friends and supporters — who gave evidence to the all-party group's evidence sessions, which took place in the last session of the Assembly. That process lasted up to a year, as the Committee Chair mentioned. Those evidence sessions were some of the most moving encounters I have had in my short period as an MLA.

The McCollum report refers to 60 types of muscular dystrophy. What really got me involved in the work of the all-party group on this cause is muscular dystrophy Duchenne, which mostly affects young boys. It sees average life expectancy reduced to 20 or 30 years in Northern Ireland. Those who suffer from it in Scandinavia can have a life expectancy that stretches into the 50s. It is through working with some of those families and hearing their evidence that I saw a need for what is recommended in the McCollum report.

I will share one experience, one of the most touching things that I saw on the all-party group. One of the clinicians was giving evidence on Duchenne, and he specified that the average life expectancy of sufferers was 20 to 30 years. A young sufferer was sitting at the table in his wheelchair at the time. That was the first time that anyone had taken the time to tell him, or perhaps his family had not found the right point in time to tell that young man that that was his life expectancy.

Not only did I see the realisation in that young man's face, I saw the pain and the anguish in his mother's heart as she realised just what her son had been told. Mr Principal Deputy Speaker, be under no illusion of the seriousness of the McCollum report and its recommendations and why it is brought forward today.

## 2.00 pm

When we talk of Duchenne and that life expectancy, those of us in the House who are parents know that no parent wants to, or should, outlive their child and that each day of that child's life should see a quality of life and support. It should not be a struggle waiting for a wheelchair or not having a named health clinician whom they can contact for support. Waiting 32 weeks for a wheelchair when your life expectancy is counting down day by day is

far too long. I know that the Minister has worked on and is looking at that.

The McCollum report reiterates what Action Duchenne has heard from Northern Ireland members over the past few years. Families living with Duchenne speak of the perpetual fight for services, the lack of information on available services and a dearth of support from diagnosis. The specialised multidisciplinary care as set out in 'The Lancet' standard of care document is unavailable currently in Northern Ireland, and families often have to fly to Newcastle for similar actions for that care. However, when they return to Northern Ireland, they often cannot get the basic services that they have been recommended.

Key to managing Duchenne is the monitoring of the condition, the linking of services around the patient and the pathway of care to plan for the progressive stages of that crucial condition. That needs to be co-ordinated by a health professional. There are six care advisers in the Republic of Ireland, three in Wales, two in Scotland with the recruitment of a third under way, and 23 in England. There is none in Northern Ireland. The last postholder resigned in November 2011, and there have been a number of recruitment processes, which the Chair of the Health Committee referred to earlier. If you can, Minister, I would like you to clarify the statement that was broadcast on the radio this morning, when you said that the second process had been unsuccessful again. This is crucial, and there are families who heard that this morning for the first time.

**Mr Poots (The Minister of Health, Social Services and Public Safety):** Will the Member give way?

**Mr Swann:** Certainly.

**Mr Poots:** The information I had this morning was that there were no applicants for either round. Subsequently, I received information that there have been two applicants. I am very glad to confirm that what I said previously is not the case and that the information that I had when I went on the radio this morning was incorrect.

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Mr Swann:** Thank you very much, Mr Principal Deputy Speaker. Minister, thank you very much for clarifying that point. I know that a lot of people who heard that statement this morning are in the Building today and will be

reassured to hear that clarification. The urgency now is to get one of those two people appointed. At one of the evidence sessions, a commitment was made that there would be consultation with the families and clinicians to see exactly how that role would develop, and there was the possibility of making it a dual mandate role involving two people. I am glad that that has been clarified, but we need to sort out the functions and what will actually be delivered.

I have a number of examples from sufferers of Duchenne in my constituency. Margaret Casey's son Brendan, who is now 19, has waited for a wheelchair. He is in that transition period between juvenile and adult where there is a real problem with transition in our current services provision. There is also the McClean family, and young Ethan McClean has just entered primary school. There is the difficulty of explaining to staff in primary schools that those conditions will gradually worsen.

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Mr Swann:** The challenges are out there for Duchenne sufferers of all ages. I ask the Minister to do all that is recommended in the report.

**Mr Durkan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I support the motion. I am a former member of the Health Committee, and I will be brief — well, I will certainly be briefer than our party's current health spokesperson would be if he were here.

I have been lobbied, as I am sure many Members here have been, by families in my constituency who are affected by muscular dystrophy. One feels overwhelmed hearing from helpless parents not only about how their beautiful son or daughter is destined to have a very short life but that not enough is being done to ensure that that life can be of as high a quality as possible. Parents have pointed towards superior, more suitable and effective treatments and services available in England — Newcastle has been mentioned in particular — that have been proven to increase the quantity and improve the quality of years that those with muscular dystrophy have.

Such opinions were also heard when Action Duchenne hosted an event in the Long Gallery a few months ago. I, like the Chair of the Committee, praise Action Duchenne and other charities involved in working to raise awareness of muscular dystrophy.

As we have heard, the disease is a genetic condition that gradually causes the muscles to weaken, leading to an increasing level of disability. It is a progressive condition, which often attacks one particular group of muscles before moving on to another. If, and when, it begins to affect the heart or the muscles used for breathing, muscular dystrophy becomes life threatening.

There are over 30 types of the disease, each with different symptoms, and, fortunately, not all types cause severe disability. Duchenne is one of the most common types and one of the most serious. Children suffering from this merciless disease may be in a wheelchair by the age of eight and have a very limited life expectancy.

While we are blessed here with excellent healthcare professionals, there are clear shortfalls in the co-ordination of neuromuscular service provision. The Department must consider additional specialist care adviser posts, with a commitment to recruiting and appointing the currently vacant adviser post, although we have heard assurances that that will be done. The unforeseen departure of the previous incumbent and the subsequent absence of essential support and advice for approximately 2,000 people with these conditions highlight the significant caseload and the need for stronger backup and better succession planning in the health service here.

Parents, patients and health professionals fear that investment in much-needed improvements will be prevented by budgetary constraints. We support the view of the College of Occupational Therapists that specialist skills are required to work with the more complex patients in this group and that adults and children in Northern Ireland should have access to advice, consultation and care services when specialist intervention is needed. The college also believes that a review is needed of specialist equipment and assistive technology to ensure prompt availability at time of need. Adequate funding and other issues such as responsibility for maintenance recycling need addressed too.

We welcome the McCollum report, as it shows that, in Northern Ireland, patients experience inconsistent standards of care from diagnosis onwards. Furthermore, there is a clear reduction in services as patients move from paediatric to adult services, and Mr Swann outlined the difficulties in that transitional phase. The report refers to the vital and urgent need for specialist multidisciplinary care. The fact that it identifies that healthcare professionals are able to devote only a limited amount of clinical time to neuromuscular services is very

concerning. We in the SDLP recognise the very serious and rare complications associated with muscular dystrophy, and we, with the Committee, urge the Minister to support the recommendations of the report in order to provide specialist care to children and adults suffering from the effects of muscular dystrophy.

**Mr McCarthy:** As a member of the Health Committee, I am delighted that we have been able to bring this very important motion to the Assembly this afternoon.

As has been said, muscular dystrophy and neuromuscular conditions affect a large number of our population. It was a pleasure for me to be part of the all-party group on muscular dystrophy, and I congratulate our chairman, Conall McDevitt, who is not in the Chamber today, and our deputy chair, who has already spoken. Other members of the all-party group played a significant part. I also welcome and am grateful to the people who came to give evidence to help MLAs to better understand this debilitating complaint. I pay tribute specifically to Mr and Mrs Gerry McCollum for their dedication and assistance despite their very sad loss and, indeed, for giving us permission to use their name on this very important report. They have given of themselves to assist others. I sincerely thank Gerry, Geraldine and, indeed, every member of the Muscular Dystrophy Campaign throughout Northern Ireland.

The motion is extremely important — indeed, vital — to sufferers of muscular dystrophy, their families and carers. When broken down, it has six key messages, although it was not read out to the Assembly. The McCollum report contains some 15 recommendations. I welcome the Minister's presence in the Chamber, and I sincerely hope that his response will include a time frame for the early implementation of the report's recommendations. I must say that I was somewhat disappointed to hear the Minister say on the airwaves this morning that he may not be able to authorise every one of the recommendations. That disturbs me. Perhaps, he can tell us in his response why that is and how many he will authorise.

I understand that over 2,000 people in Northern Ireland are affected by muscular dystrophy of one sort or another. It appears that services, including diagnosis, in Northern Ireland lag far behind what is available across the water. When the motion is passed by the Assembly, I hope that that gap will be closed as soon as possible.

During the inquiry, we heard from patients, some of whom recounted harrowing experiences and unbelievable suffering. Hopes had been dashed, appointments delayed and even basic repairs to equipment, such as wheelchairs and beds, had not been carried out. We can do better in Northern Ireland. In fact, we must do better. Given all of the evidence presented to our inquiry, it is essential that the recommendations are implemented, starting with the very important appointment of a case adviser to take control and be accountable for identifying and, more importantly, fixing the gaps in specialist multidisciplinary neuromuscular care. It is very disappointing that it has taken so long to fill that post.

The Muscular Dystrophy Campaign's report 'Invest to Save' contains the startling revelation that nearly £2.5 million is wasted each year because of unnecessary hospital admissions and treatments, most of which could be avoided if the key position of care adviser were filled. The evidence from Dr Amy Jayne McKnight on multidisciplinary support could not be more stark. Her dad was offered respiratory care only when he ended up in an intensive care unit. That was the first time that he had access to a respiratory consultant. These gaps need to be filled.

As Michaela Hollywood told us, there is a need for support during the transition from paediatric services to adult services. Michaela also told us that it was only after her dad had a heart attack that any help was forthcoming. Surely that is not good enough.

**Mr Principal Deputy Speaker:** The Member must bring his remarks to a close.

**Mr McCarthy:** We also had a very moving contribution from a young man who benefited from the Newcastle centre. Assembly Members who conducted the inquiry heard about the needs of people with muscular dystrophy, which include simple equipment, domiciliary care and respite care. As one contributor said, just a little practical help would ease stress levels very much. There we have it. We must implement the recommendations as soon as possible.

**Ms P Bradley:** As a member of the Committee for Health, Social Services and Public Safety, I support the motion.

A family who receive a diagnosis that a member has a condition that is potentially life-limiting has the right to expect that the health service will do everything possible to ensure that he or

she receives a timely diagnosis and the best possible care, treatment and therapy. They have the right to expect that they will receive that without having to argue or fight for it.

Sadly, from the information that the all-party group received, it appears that that is not what people who are diagnosed with muscular dystrophy experience.

## 2.15 pm

As has been said, muscular dystrophy is a condition that affects up to 2,000 people in Northern Ireland. It has approximately 60 different variations, with one of the most aggressive being Duchenne muscular dystrophy. The condition causes muscles to weaken and waste over time, affecting not only the limbs but the respiratory system and the heart, which can lead to shorter life expectancy. It has been highlighted that Northern Ireland falls seriously behind other UK regions in supporting families who have members who are diagnosed with the condition.

When the McCollum report was being compiled, we heard about how families are being let down by our system. We heard of delays in diagnosis, which impacts the ability of the professionals involved to plan and prepare care plans. Such delays also impact families, who are effectively left in limbo because, although they may wish to have more children, they are unsure about whether subsequent children will be affected by the condition. It also impacts the individual, who is left wondering what the future holds and who is, therefore, unable to plan for their future. We heard that once diagnosis is made, things do not always improve. We heard evidence from people who felt that they were left to manage the condition themselves, as well as from people who had suffered because of a lack of access to aid that could have helped with their quality of life but who had to go in front of a panel to explain why their family member should get a wheelchair ahead of another. We also heard how families are, time and again, let down by our provision. Emergency care for people who live with muscular dystrophy costs our National Health Service a massive £2.27 million a year. We heard that it may be possible to slash 40% off that by investing £320,000 in specialist care. With a more joined-up approach to the condition and better foresight and planning, we can make a real difference to the quality of life that families who live with the condition experience.

I support the motion so that the experiences of people with muscular dystrophy in our healthcare system can be improved.

**Ms Maeve McLaughlin:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. As a member of the Health Committee, I support the motion and fully endorse the McCollum report's recommendations. As someone who is new to the Health Committee, I formally acknowledge the ongoing work of the Health Committee and the all-party group. Indeed, I acknowledge the role of charities, which, as the Chairperson said, provide much-needed information and expertise on the issue.

As has been stated, the report contains 15 recommendations. Central to the report seems to be the appointment of a lead for muscular dystrophy in Health and Social Care to take overall control, to identify and fix the gaps and to be accountable. There is clearly a variance in the availability and deliverability of services, with no specialist consultant or occupational therapist employed regionally. As the Minister stated, there is a clear demand for a care adviser post, which, I suggest, needs to be secured long term in the HSC.

We heard reference to the College of Occupational Therapists, which highlights — I think that this is important — that early intervention and projected planning of need by OTs are necessary, especially when looking at issues such as housing need. COT also believes that there is a need to ensure that the services to children and young people are seamless. The report recommends that trusts and local councils develop structural joint planning provision so that there is a seamless response and transition between Health and Social Care services.

Importantly, as the Member who spoke previously said, the campaign report proved that nearly £2.5 million a year is wasted in the North because of unnecessary treatment, most of which can seemingly be avoided. A care adviser would play a vital role in ensuring that such waste is avoided. I support the motion.

**Ms Brown:** I, too, speak to the motion as a member of the Health Committee. It is moving to read in the report, and to have heard, some of the stories provided by witnesses. However, those suffering from a form of muscular dystrophy seek not sympathy but action, through highlighting their experiences of care and direct experience of accessing services in the health service. Those who gave evidence to the all-party group are experts in the field,

and we should allow them a fair hearing, something that the report grants them.

Muscular dystrophy comes in many forms, each affecting people in different ways. Muscular dystrophy generally affects children or young adults and commonly results in weakening or powerless muscles. Sufferers may find it difficult to walk, if they can walk at all, or to lift their heads or limbs. Many will ultimately end up requiring a wheelchair and full-time care. Sufferers require a great deal of medical assistance. The disease can impact on numerous organs, so various specialisms are relied on to treat and ease suffering.

The disease is, therefore, complex, and sufferers are wholly dependent on getting the right treatment at the right time to ease suffering. It is evident from the report that the system is not working as well as it should. That is the result of not only the complex nature of muscular dystrophy and how it affects people but the failings of the Health and Social Care Board as well as numerous trusts.

I had the privilege a short while ago to meet the mother of a 19-year-old living with Duchenne muscular dystrophy and hear at first hand how her son is not receiving the treatment and support that he deserves in order that he might live his life to its full potential. I have heard that other sufferers are living into their thirties solely because they do receive the appropriate and necessary care. I ask the Minister to listen to those voices — I know that he will — and ensure that whatever can be done will be done so that those living with muscular dystrophy are afforded the services that are received elsewhere in the United Kingdom.

The report contains numerous critical and hard-hitting recommendations that require serious thought and consideration by the Minister and his Department, consideration that, I believe, they are more than capable of undertaking, resulting in positive outcomes for all concerned. My understanding is that when the Department, led by the Minister, published the report earlier this year, the Minister immediately took the time and effort to study it carefully, which I am confident is ongoing.

It is important that the Department take the time to consider each and every one of the recommendations and act on the evidence. One of the main recommendations is for the appointment of a specialist. One did exist until this time last year. We realise that the position was advertised twice this year to no avail. That is a vital point that the Department and the Health and Social Care Board need to address.

They need to ensure that the position be filled by someone with experience and knowledge of what those who face this disease need.

I pay tribute to those in the health service, numerous charities and especially those families who care for children with muscular dystrophy for their efforts, time and dedication to ease the suffering and maximise their well-being. I trust that the Department will, through the Health and Social Care Board, act to help those suffering from this progressive disease and improve their expectations and experiences of care and services in Northern Ireland. I support the motion.

**Mr Beggs:** I, too, am pleased that the motion is here on behalf of the Health Committee, which I recently joined.

I thank all those who submitted evidence to the McCollum report and the Muscular Dystrophy Campaign for providing secretariat support during the inquiry that led to the report and its thorough and worthwhile evidence base, which is able to be provided widely to others. We must also thank Gerry and Geraldine McCollum for their efforts over the years and for highlighting the difficulties that their late son Christopher experienced. I share their wish that others may learn from his poor experience of the health service and hope that we will be able to provide a better level of care for others.

The chairman of the all-party group on muscular dystrophy, Conall McDevitt, and the vice-chair, Robin Swann, deserve praise for their leadership, which helped to gather the evidence, bring forward the report and, ultimately, bring the matter to the Assembly.

It is estimated that 2,000 people are affected by muscular dystrophy or neuromuscular conditions in Northern Ireland. The report clearly shows that the local health service is not meeting their needs at present. Even today, we have been advised that there is now a 32-week delay in getting the right equipment. For someone in need of such equipment, this is unacceptable. We need to have further improvement. I hope that the Minister will continue to work at this and provide resources to bring about improvements.

An important aspect is that there is significant isolation for those who cannot have mobility because they do not have the right equipment. On top of that, other difficulties arise. I will come back to those in a minute. The evidence from the Health and Social Care Board indicates that about £160 per patient is invested in preventable care. When you compare that to

the cost of having to treat some of the ailments that result, there is clear evidence that we need to change the balance. We need to invest in prevention so that we have the bespoke wheelchairs and the necessary support at a much earlier stage. Bed sores can result due to the lack of the right equipment. When you add up the cost of treating such very painful conditions, there is huge personal suffering and bottom-line cost to the health service of treating those conditions. Why can we not provide the equipment at an earlier stage and avoid that? Clearly, we need to change that. There must be speedy access to the assessments and the delivery of equipment to increase the mobility and independence of those in need.

The support must be better co-ordinated. Marina Lupari, in her evidence, relayed the experience of her son, Marc. She indicated that 28 healthcare professionals were involved in his care and that, collectively, they did not deliver. She said:

*"The services do not join up and you can't get basic things. Marc's having things when it's too late, all the time."*

What is the cost of those 28 professionals? They are not delivering the basic things. We need to more carefully co-ordinate what is needed to ensure that the basic things are always provided in a timely manner.

There is clear evidence that the level of care in Northern Ireland is very poor in comparison with the regional centre in Newcastle. We must learn from the positive work that is happening there to try to implement as much change and additional services here to meet the needs of those sufferers, many of whom have life-limiting conditions. The role of the care co-ordinator is essential, and I hope that that post will be filled. The Minister has indicated that a recruitment process is under way, and I am grateful that there are applicants. Hopefully, someone suitable can be found. What is happening in respect of workforce planning to ensure that we will not be back in the same position in one, two or three years' time if someone decides to go in a different direction? We must have proper workforce planning to make sure that we do not face that again. Will the Minister also advise —

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Mr Beggs:** — which of the recommendations in the report he does not find acceptable and which he does not endorse?

**Mr Principal Deputy Speaker:** As Question Time begins at 2.30 pm, I suggest that the House takes its ease until that time. The debate will continue after Question Time, when the next Member to speak will be Mickey Brady.

*The debate stood suspended.*

**2.30 pm**

*(Mr Deputy Speaker [Mr Dallat] in the Chair)*

## Oral Answers to Questions

### Office of the First Minister and deputy First Minister

**Mr Deputy Speaker:** Question 7 has been withdrawn and requires a written answer.

### Childcare Strategy

1. **Mr Lyttle** asked the First Minister and deputy First Minister for an update on the childcare strategy and action plan. (AQO 2758/11-15)

**Mr M McGuinness (The deputy First Minister):** With your permission, Mr Deputy Speaker, I will ask junior Minister McCann to answer that question. I welcome her to her first Question Time.

**Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister):** Thank you. The current Programme for Government contains a commitment to publish and implement a childcare strategy to provide integrated and affordable childcare. The childcare strategy will be aligned with the primary focus of the Programme for Government, which is to grow the economy and tackle disadvantage.

A draft consultation document, which has been developed through engagement with relevant Departments and stakeholders, is under consideration in the Department. It sets out six key principles that we believe must be addressed if the childcare strategy is to make a lasting impact. Those are: informed parental choice, quality, accessibility, affordability, sustainability and an integrated approach. Based on those principles, we envisage a strategy that will involve three main strands: better information for parents and those looking for childcare; capacity building and improved provision in the childcare sector; and research into the needs of children and parents.

We recognise that early years interventions and good quality childcare services have important benefits for children in nurturing their social and emotional development. We envisage that the consultation document will also identify a number of areas that will require consideration in the future framework for improved childcare provision. Those include provision for children

and parents who have a disability, children in poverty, school-age childcare and those who live in rural areas. That will ensure better outcomes for children in future years.

Work on the consultation document is at an advanced stage. Following Executive agreement, it will be published shortly.

**Mr Lyttle:** I thank the junior Minister for the update. Organisations such as Employers for Childcare have conducted detailed research and have identified that millions of pounds of childcare vouchers and tax credits, which would go towards helping families to access affordable childcare, are unclaimed each year. What is the Department doing to raise awareness among families of the availability of the childcare vouchers and tax credits to help them to access affordable childcare?

**Ms J McCann:** The Office of the First Minister and deputy First Minister (OFMDFM) has commissioned its own research on that issue. I understand what the Member is saying; I have held a number of meetings at which people expressed similar concerns.

We believe that the final research report will be delivered early next year. It will inform the development of the childcare strategy and will allow for more effective provision. As the Member will know, there are different types of provision. We will look at that. The research project also includes an extensive survey of parents with children under the age of 14. We will look at the type of childcare that is used, the current level of usage and the potential unmet demand for formal childcare provision.

**Mrs Overend:** Will the junior Minister give a commitment that the full £12 million will be spent on childcare within this Budget period? Will she outline whether she has given any consideration to the administration of child-minding provision through social enterprise?

**Ms J McCann:** I will answer the second part of your question first. I have met organisations in a number of areas, particularly community-based organisations, that provide that type of childcare through the social economy. We are very keen to see that developed and built on. It is very accessible for people, and it has the added benefit of creating employment opportunities for people in areas of disadvantage and need.

To answer the first part of your question, it is our intention that almost £4.5 million will be allocated for spending on childcare in 2012-13

and 2013-14. Of that, up to £2.5 million will be spent in 2012-13. Those are indicative allocations that have yet to be finalised. However, I am confident that the full £12 million will be spent over the period of the comprehensive spending review up to 31 March 2015.

**Mr Rogers:** I thank the Minister for her responses so far. On her last point, given the delays that have already been experienced in the formation of the childcare strategy, will she give me some assurance that major delays such as experienced in the social investment fund will not be replicated in the action plan for childcare?

**Ms J McCann:** I am sorry. Could you repeat the question? I did not catch the last part of it.

**Mr Rogers:** We need money for childcare now, and I seek the Minister's assurance that the major delays experienced in the social investment fund will not be replicated in the action plan for childcare.

**Ms J McCann:** I am sorry; I did not hear you properly the first time.

As you know, there have been some delays with the social investment fund, but we are confident that that money will soon be going out to help people, particularly in areas of disadvantage and need.

There are a lot of social economy projects in the community sector that provide quality childcare, which we hope will be developed and continued. For the future, we will certainly be looking at an integrated approach to childcare.

**Mr Agnew:** What involvement has there been on the childcare strategy with other Ministers who have responsibility for the economy? On child poverty, we recognise that childcare and economic matters are interrelated, and we need an integrated approach to tackle the issue to ensure that people, and women in particular, have the opportunity to access employment.

**Ms J McCann:** As the Member quite rightly points out, childcare is a responsibility not only for OFMDFM but for other Departments. I was trying to explain the integrated side of the childcare strategy. We have had meetings, and my colleague who was previously in this post, Martina Anderson, and junior Minister Bell also had one-to-one meetings with different Ministers on child poverty and the childcare strategy. I reiterate: we want to co-ordinate the development of an integrated childcare strategy



because we recognise the importance of ensuring that the strategy integrates within a wider policy field, including tackling disadvantage and poverty, helping to reduce child poverty, growing the economy and promoting employment and training opportunities.

**Mr Deputy Speaker:** I remind Members that supplementary questions should be concise and to the point.

## Child Abuse

2. **Mr Kinahan** asked the First Minister and deputy First Minister what action they intend to take to deal with victims of clerical abuse who are not covered by the inquiry into historical institutional abuse. (AQO 2759/11-15)

**Mr M McGuinness:** With your permission, Mr Deputy Speaker, I will ask junior Minister McCann to answer this question.

**Ms J McCann:** The issue of clerical abuse is no less important or emotive than institutional abuse, and we are mindful of the equally destructive impact that it has had on many individuals. As such, the Executive will have to give careful consideration as to how it should be dealt with following the inquiry into historical institutional abuse. This inquiry, however, was initiated in a 2009 Assembly debate about the historical institutional abuse of children. For the purposes of the inquiry, the definition of an institution formed an important aspect of the consultation with victims and other key stakeholders. Setting the parameters in this way does not in any way undermine the trauma that has undoubtedly been inflicted on many other individuals as a result of abuse in domestic or other settings. However, the categories to be covered by the inquiry were selected because of the very particular vulnerable nature of this type of residential care.

I am sure that the Member would agree that it was difficult for those children in institutions to find someone to turn to about the abuse that they were suffering. The staff in those institutions could have been the perpetrators of the abuse or at least could have been turning a blind eye. It is abundantly clear that children in institutions were especially vulnerable.

**Mr Kinahan:** I thank the junior Minister for her answer. The inquiry will, quite rightly, look at abuse in institutions. What services have been put in place for those who are discovered,

through the inquiry, to be outside the institutions and who are in need of care now?

**Ms J McCann:** There is no doubt that the Member is quite right to say that. There will be people who will be outside the inquiry. It will be up to the Executive, in the longer term, to consider how to deal with clerical abuse that does not fall within the terms of reference.

I move now to the services that are there. I have met with victims and survivors. We have set up a temporary facility, and the WAVE organisation is looking at that. We need to have the services and support mechanisms in place for all who have the courage to come forward to say that they have been abused in this horrific way.

**Ms McGahan:** Go raibh maith agat, a LeasCheann Comhairle. What is the legal and financial position of lawyers attending the acknowledgement forum and the statutory inquiry?

**Ms J McCann:** We have been very clear on this. We are going to clearly say that victims and survivors can bring a companion to the inquiry, if they choose to do so. I am sure that many of them would need a companion with them when they go to the inquiry. However, for clarity, the role of that companion, regardless of whether they are a friend or a lawyer, is to assist and support the victim and survivor in recounting their experiences. It is not to represent them in a legal capacity. There is no payment from OFMDFM or the inquiry for a legal representative to attend as a companion. Representatives of victims and survivors have continually stressed that they are not on trial, thus they do not want the inquiry to be over-lawyered. We have been made aware that some lawyers are advising in some cases and that they are filling in a form stating that they are acting as a companion. It is within their rights to do so, but they need to be clear that they will be acting as a friend or a companion, and OFMDFM cannot pay them to do that.

**Mr Eastwood:** I welcome the fast pace with which the inquiry and the acknowledgement forum have been set up. Will the Minister assure the House that the issue of redress will be dealt with as soon as it becomes clear what mechanism will be used for that, even if the inquiry has not fully reported? Will she assure us that redress will be dealt with as soon as it is possible to deal with it?

**Ms J McCann:** The report states that the inquiry's terms of reference will make

recommendations and findings on four different matters, including the requirement or desirability for redress to be provided by the institution and/or the Executive to meet the particular needs of the victims. They go on to say that the nature or level of any potential financial redress or the provision of services is a matter that the Executive will discuss and agree following receipt of the inquiry and investigation report. At this stage, I would not like to pre-empt the work of the inquiry or any future decisions, but it is certainly in the terms of reference.

## EU Presidency: All-island Economic and Social Issues

3. **Mr Byrne** asked the First Minister and deputy First Minister whether they are having any discussions with the Irish Government to promote and influence all-island economic and social issues within the context of the forthcoming Irish presidency of the EU. (AQO 2760/11-15)

**Mr M McGuinness:** The First Minister and I have had useful discussions with the Irish Government on the Irish presidency of the EU, the most recent being during our plenary meeting in Armagh, last Friday. We recognise that Ireland hosting the EU presidency provides us with a unique opportunity to access policymakers and to ensure that our views are heard in a way that would not otherwise be possible. The Irish Government have advised us of events that will take place in Dublin during the presidency and of their priorities for the presidency, which include the common agricultural policy (CAP).

Useful discussions are already taking place between Ministers at North/South Ministerial Council (NSMC) meetings and bilaterally on presidency-related issues within the context of the NSMC areas for co-operation, all of which will contribute positively to the social and economic issues that affect us all. A number of staff from our Departments have been seconded to the Irish Government to help in their preparations for the EU presidency. There, they will gain valuable experience in hosting and arranging a very significant event that will be of benefit to our system.

**Mr Byrne:** I thank the deputy First Minister for his answer. Will he outline whether the Northern Ireland Executive will have a negotiating strategy in relation to the CAP reform proposals? Does he agree that the Republic is on course for export earnings of €183 million this year in respect of

manufactured goods and services? What can we do to avail ourselves of some of that?

2.45 pm

**Mr M McGuinness:** We are conscious of the opportunities that the Irish Government's EU presidency has for our Administration. As we go forward, we will consistently look at how we ensure that we take best benefit from that. For example, we are conscious that the Irish Government have, per capita, benefited much more than us from events over the past 10, 15 or 20 years. We are now trying to ensure that we can move forward in a way that sees us take a co-ordinated approach through all our Departments. The Barroso task force example brought great experience to many Departments in how we can draw down funds that are of huge importance for us. It is a clear example that we are beginning to recognise the huge benefits that exist by building good relationships. Having good relationships, particularly with the Irish Government, is hugely important if we are to capitalise on the advantageous position that they will be in during their EU presidency.

**Mr Deputy Speaker:** I remind Members that they have one supplementary question.

**Mr Campbell:** In recent years, the deputy First Minister has gone down paths that, some 30 or 40 years ago, he probably thought he would not go down. Will he go down another today and indicate that, the next time he talks to the Taoiseach, he will tell him that the previous Taoiseach took the Republic down an economic path that we in this country have no intention of going down?

**Mr Deputy Speaker:** I am not sure if that was a question, but the Minister may respond.

**Mr M McGuinness:** I will treat it as a question because I think that more than the deputy First Minister have gone down paths that they thought they would never go down, including the Member sitting opposite.

It is not our responsibility or job to admonish any previous Administration in the South or to take to task the present Taoiseach. Our job is to have a good, positive working relationship. Through North/South Ministerial Council meetings, we have developed a positive working relationship, and we want to ensure that we continue to do that. A lot of lessons have to be learnt from the mistakes of the past in many different ways. Clearly, the economic difficulties that afflict the South at the moment

are examples of how, as we go forward, we must ensure that such mistakes are not repeated. We have our own set of challenges and difficulties to face here. The Executive are facing into those difficulties in a way that ensures that we can, as quickly as possible, move out of a very damaging double-dip recession. Our relationship with Europe will be important, as will our relationship with the Irish Government. It is obvious from my initial answer that the Irish Government are well disposed towards ensuring that we have more than a foothold in the dialogue and discussions that will ensue in due course. Among the biggest issues that they will face is the negotiations around the common agricultural policy, on which there is a good working relationship between Minister O'Neill and Minister Coveney. I think that our positions are very similar.

**Ms Boyle:** Go raibh maith agat, a LeasCheann Comhairle. Will the deputy First Minister detail the secondment arrangements agreed to date with the Irish Government for their EU presidency?

**Mr M McGuinness:** Our Civil Service has seconded one staff officer to work on the Irish permanent representation to the EU assisting the Irish ambassador in the preparation and co-ordination of papers and agendas under the Committee of Permanent Representatives. The Department for Employment and Learning has agreed to provide a member of staff to assist in co-ordinating the EU input to the International Labour Organization event to be held during the Irish presidency. The Department of the Environment has seconded one person to the equivalent Department in Dublin to work on waste policy. We have also agreed that our Executive office in Brussels will make space available to the Irish permanent representative for meetings and events. Senior officials in the Civil Service also receive regular briefings from their Irish Government counterparts on the priorities associated with each EU presidency. The last such briefing was on the Cypriot presidency and was held on 5 September. I think that people can see that there is a very extensive relationship there and one that, if we build on it, can be very much to our mutual advantage.

## Welfare Reform: Victims

4. **Mr McGimpsey** asked the First Minister and deputy First Minister whether they have considered any implications of welfare reform affecting victims' entitlement from the Northern

Ireland Memorial Fund and the new Victims and Survivors Service. (AQO 2761/11-15)

**Mr M McGuinness:** Through the recently established Victims and Survivors Service, we aim to provide a high-quality service to victims and survivors based on individual assessed needs and the provision of high-quality services to meet those needs. We will continue to provide and improve that assistance for victims and survivors, taking into account the existing statutory provision, included that provided by the welfare system, both currently and in the future. We have given a commitment to help people to move forward to a brighter future, and we will ensure that the Victims and Survivors Service provides the appropriate and successful means to do so. I understand that people are concerned about how welfare reform will affect them, but I can assure the public that we are constantly reviewing the impact of welfare reform on key services, and we will continue to monitor that to ensure that the best service possible is provided to the most vulnerable. The memorial fund will continue to provide direct financial assistance to victims and survivors until later in this financial year, when the function will transfer to the Victims and Survivors Service.

**Mr McGimpsey:** I thank the deputy First Minister for that comprehensive answer. Victims and survivors, in common with the rest of the members of society, are likely to lose out under the welfare reform process. Bearing that in mind, will he indicate to the House that he will bid under the budgetary bidding process for additional funds for the Northern Ireland Memorial Fund to support beneficiaries who are likely to lose out under welfare reform?

**Mr M McGuinness:** It is important to say that our understanding is that any payments made to individuals by the Victims and Survivors Service will be treated as gifts and will, therefore, not be taken into consideration with regard to benefits. The principal role of the Commission for Victims and Survivors is to promote the interests of victims and survivors. As part of that role, the commission advises the Department on matters affecting victims and survivors, and that provides another vehicle by which the impact of welfare reform on victims is closely monitored.

Earlier this year, the commission completed a comprehensive needs assessment and a report on meeting the financial needs of victims and survivors. Those two reports made recommendations for future provision, including the assessment of the financial needs of

individuals and the impact of welfare reform on the eligibility of applicants. The comprehensive needs assessment looked in detail at welfare reform and reinforced the importance of the provision of good advice to the victims and survivors sector on welfare reform. The new funding programme will apply from 1 April 2013 and cover a two-year period. It will take into account the commission's advice and recommendations, including those relating specifically to welfare reform. The comprehensive needs assessment has been developed by the Victims and Survivors Commission. We continue to provide unprecedented levels of funding to individuals and groups in the sector, and, as you mentioned, the memorial fund provides practical help and support to victims and survivors for specific needs, including pain management, education and training. Of course, in the past two years —

**Mr Deputy Speaker:** Minister, your two minutes are up.

**Mr M McGuinness:** — it has provided £7·3 million, of which £6·2 million was for the improved needs-based assessment schemes that commenced in November 2010.

**Mr Durkan:** Has the deputy First Minister considered asking the Victims and Survivors Service to compile an analysis of specific welfare need due to the North's post-conflict status to provide statistical affirmation that we need significant changes to the Welfare Reform Bill here?

**Mr M McGuinness:** That is the responsibility of the victims' commissioner and the comprehensive needs assessment, which, as I indicated, has been carried out. People are very focused on that and are conscious that, as the original question suggested, the victims and survivors sector is concerned that the welfare reforms, as they are called — many others believe that they are cuts — will be very damaging to them in their particular individual circumstances. Of course, the circumstances are different for all the victims and survivors; no two situations are the same. So, the answer is that we are focused on that and on the need to ensure that the Victims and Survivors Service takes into account all the points that you just made.

## Crumlin Road Jail and Maze/Long Kesh: Regeneration

5. **Mr Douglas** asked the First Minister and deputy First Minister for their assessment of the potential economic opportunities arising from the regeneration of Crumlin Road jail and Maze/Long Kesh. (AQO 2762/11-15)

**Mr M McGuinness:** The regeneration of Crumlin Road jail is at a pivotal stage. The restoration of the jail has greatly added to the overall regeneration potential of the site and of north Belfast in general. That has been evidenced by the commercial leasing of A wing to Belfast Distillery, which intends to make the wing a boutique distillery, visitors' centre, tasting room, restaurant and shop, potentially creating up to 60 jobs and attracting over 40,000 visitors in the first year, rising to 100,000 by year 3. We have also appointed Belfast Tours Ltd as the operator to run the visitor attraction and conference centre at the jail, which will create up to 40 jobs and attract an estimated 90,000 visitors a year.

The recently established Maze/Long Kesh Development Corporation is taking forward the regeneration of the Maze/Long Kesh site. The development corporation's key aim will be to maximise the economic, historical and reconciliation potential of the site. We are pleased to report that that is already under way through the confirmed relocation of the Royal Ulster Agricultural Society to the site in time for its 2013 agricultural show. The €20 million EU-funded peace-building and conflict resolution centre will be constructed by 2015. Early indications suggest that development of the 347-acre site could deliver an estimated £300 million investment, with approximately 5,000 jobs created on and through the site.

**Mr Douglas:** I thank the deputy First Minister for his answer. He outlined that there were great opportunities for jobs, but does he agree that we need to make sure that programmes are put in place that will allow disadvantaged groups to benefit from the regeneration? I am talking in particular about long-term unemployed people and young people from disadvantaged areas.

**Mr M McGuinness:** I absolutely agree 100% with the Member. We are all conscious, particularly in the context of what are exciting developments around Crumlin Road jail, that the people who will take up residence there with new businesses should fully understand the importance of social clauses and the fact that they will be working in an area of

marginalisation and disadvantage. That will then affect the entire community in north Belfast. So, the answer is that we are very focused on the need to ensure that, when the job applications come in, people in the local community who are from a disadvantaged background can gain employment there. As you can tell from my answer, the potential at the site is tremendous. There will initially be 100 jobs, but that could easily rise to over 200 jobs over the next number of years. That is something that people in north Belfast will find very encouraging.

3.00 pm

## Health, Social Services and Public Safety

**Mr Deputy Speaker:** Question 7 has been withdrawn and requires a written answer.

### GPs: Out-of-hours Services

1. **Mr Durkan** asked the Minister of Health, Social Services and Public Safety whether there will be a reduction in funding for GP out-of-hours services as a result of his Department's proposed changes. (AQO 2770/11-15)

**Mr Poots (The Minister of Health, Social Services and Public Safety):** The changes outlined in the strategic framework for GP out-of-hours services will not result in funding being taken out of the GP out-of-hours budget. If anything, delivering an improved service will require a net investment in areas such as improved telephony infrastructure and a directory of services. The proposed changes are primarily concerned with simplifying access, integrating services and ensuring that a safe and effective GP out-of-hours service is available to everyone in Northern Ireland.

**Mr Durkan:** I thank the Minister for his answer. I am relieved to hear that resources will follow the anticipated increase in demand for the improved service. Does he anticipate any jobs being at risk if the proposals in the framework are brought forward?

**Mr Poots:** In government, people usually get a job for life. That is not necessarily something that I agree with, but it usually transpires to be the case. Often, if jobs happen to go, other positions are found for individuals. At this point, it is not anticipated that staff working in the out-of-hours service will lose their job. It is the

board's expectation that staff will experience some change in the way in which the service works.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. Minister, under Transforming Your Care, you intend to bring more primary care and health services into the community. Do you agree that any reduction in the out-of-hours service would not support that strategy?

**Mr Poots:** We require a quality out-of-hours service. In fact, we are looking at how we might improve the out-of-hours service, link it more closely with the emergency service and have a more joined-up system than is currently the case.

**Ms P Bradley:** I thank the Minister for his answers so far. What is the thinking behind the proposed 111 number?

**Mr Poots:** The NHS 111 service being piloted in England is being introduced to make it easier for the public to access healthcare services when they need healthcare quickly and the situation is not life-threatening. The aim is to deliver a 24/7 urgent care service that ensures that people receive the right care at the right time and in the right place.

The strategic framework sets out a strategic vision to simplify access to out-of-hours GP services, as opposed to having the seven telephone numbers that are currently in use, and to improve integration with other unscheduled care services, including the Northern Ireland Ambulance Service. TYC contains a recommendation on the introduction of a single number for urgent care. Under the auspices of the out-of-hours framework, one of the strands of work to be considered in relation to the integration of urgent care will include the scoping of a single telephone number, potentially similar to 111.

**Mr Beggs:** In England, over 95% of patients at type 1 A&Es are seen within four hours, yet here the corresponding figure is fewer than 80%. In fact, a large number of patients are treated after a wait of 12 hours or more. Does the Minister recognise that any changes to the GP out-of-hours service must improve the service so that patients do not choose to go to A&E, thus creating further lengthy waiting and treatment times?

**Mr Poots:** I agree. Many people who attend A&E should attend out-of-hours services. It would be to everyone's benefit, including patients, if better use were made of the out-of-

hours service. That would reduce waiting times in and pressure on our emergency departments, so, perhaps, we have to be a little more sophisticated in encouraging people to use the out-of-hours service instead of emergency departments.

**Mr Deputy Speaker:** Before moving to the next question, I will make a correction: question 4 — not question 7, as I said — has been withdrawn and requires a written answer.

## Health Service: Cleanliness

2. **Mr Girvan** asked the Minister of Health, Social Services and Public Safety what action he is taking to promote cleanliness in health service facilities. (AQO 2771/11-15)

**Mr Poots:** The aim of the new draft policy for the provision and management of cleaning services in the health and social care sector, which was out for consultation until 2 November 2012, is to promote better environmental cleanliness through clear standards; audit; specific training for staff involved in environmental cleanliness; capturing and sharing best practice; improving accountability; and making sure that environmental cleanliness is everyone's responsibility. There have been significant improvements since the establishment of the Regulation and Quality Improvement Authority programme of announced and unannounced inspections of healthcare facilities. We must not be complacent. The inspections have highlighted that cleanliness can be improved further. The ongoing implementation of the new policy will be a positive step in continuing the improvement.

**Mr Girvan:** I thank the Minister for his answer. In light of that, what level of spending has been directed towards the process in recent years? Can we have a breakdown of that, if possible?

**Mr Poots:** We have had 'Cleanliness Matters: A Regional Strategy for Improving the Standard of Environmental Cleanliness in HSS Trusts 2005-2008'. Subsequently, we had 'Changing the Culture 2010' and the 'Regional Healthcare Hygiene and Cleanliness Audit Tool'. All those indicate that we need to spend significant amounts of money on cleanliness. Trusts' financial returns show that, following expenditure on cleaning, internal material, equipment and contracts, a further £50.2 million is spent on salaries for cleaners. That is the level of money that we are spending.

There is a success story in respect of the number of cases of clostridium difficile and MRSA. In 2007-08, there were more than 1,000 cases of clostridium difficile; in 2011-12, that number fell to 327. In the case of MRSA, in 2007-08 we had 221 cases, which fell to just 96 cases in 2011-12. So, there has been significant improvement in cleanliness in our hospitals. There is still work to do, and we still need to engage to ensure that those improvements are carried through.

**Mr Gardiner:** Have there been any outbreaks of the norovirus this winter? How does the rate of occurrence of the virus in Northern Ireland compare with that in the rest of the United Kingdom?

**Mr Poots:** We are quite early in the winter, so I hope that there have not been any outbreaks. I will come back to the Member in writing on that.

**Ms Maeve McLaughlin:** Go raibh maith agat. I particularly welcome the reduction in hospital-acquired infections. That is good news. It reinforces the need for us to keep on top of this. Is the Minister aware of any reduction in cleaning services at weekends in any of our hospitals?

**Mr Poots:** All our hospitals have to meet minimum standards. That is essential, and we require the full support of the unions and everyone else to deliver those standards. Hospital cleanliness is essential. There is no point having consultants, nurses and specialists doing their job really well if a hospital is not clean. Often, an infection arising from lack of cleanliness can cause real problems. We really need to ensure that we meet those minimum standards seven days a week and not just during the week. I would be very concerned if standards were dropped at the weekend. I am not aware that that is the case, and I will seek to ensure that that does not become the case.

## Brain Injuries

3. **Mr Buchanan** asked the Minister of Health, Social Services and Public Safety what action his Department has taken to assist individuals with brain injury. (AQO 2772/11-15)

**Mr Poots:** On 5 July 2010, my Department published a two-year acquired brain injury action plan with the aim of providing clear time-bounded goals to drive forward service improvement in that area. On 15 November 2011, I launched the brain injury services standards and care pathway, developed as part

of the implementation of the action plan, which will help to ensure equity of access to services across Northern Ireland. In addition, the regional acquired brain injury implementation group has made significant progress in taking forward the actions in the action plan.

**Mr Buchanan:** I thank the Minister for his response. What developments have taken place in Northern Ireland in the area of brain injury in children?

**Mr Poots:** Of course, all people in Northern Ireland with brain injury, including children and young people, have access to a range of inpatient and outpatient services, including access to the expertise available in the regional acquired brain injury unit at Musgrave Park Hospital. In each trust area, there is also a community brain injury team that co-ordinates the treatment and care of people with brain injury. Those teams provide long-term care planning for those referred to them. Acute hospital care is available across all ranges. However, there are four inpatient rehabilitation units and five community brain injury teams across Northern Ireland for adults.

There are no regional or trust-wide community brain injury teams specifically for children. The brain injury services standards and care pathways, which I launched on 15 November 2011, included a specific ABI pathway for children and young people that was designed to improve and develop services for all children up to the age of 18 — 19 if attending special school — with ABI in Northern Ireland. That pathway addresses mild-to-moderate and moderate-to-severe ABI. There are funding issues that remain to be resolved in the provision of appropriate children-specific ABI services, and my officials are discussing those with RABIIG and the Health and Social Care Board to agree a way forward. A further meeting is scheduled for December 2012.

**Mr P Ramsey:** Does the Minister have any plans to make further investment in neuromuscular services across Northern Ireland?

**Mr Poots:** Neuromuscular services is an area in which we anticipate significant growth. That is partly because of success in keeping alive people who have neuromuscular conditions. It is evident to us, even at this point, that further investment will be required to treat neuromuscular conditions as a consequence of the growing numbers that will come to us. There is also evidence that we will have to use more multidisciplinary teams and have more co-

ordinated approaches because money alone will not resolve the issue.

**Mr Deputy Speaker:** Question 4 has been withdrawn.

## Fire and Rescue Service: Bonus Payments

5. **Dr McDonnell** asked the Minister of Health, Social Services and Public Safety whether he will be setting up an independent review into bonus payments paid to members of the Northern Ireland Fire and Rescue Service. (AQO 2774/11-15)

**Mr Poots:** As a result of whistle-blowing allegations, my Department's internal audit group carried out a detailed investigation into the bonuses awarded to senior uniformed officers in the Northern Ireland Fire and Rescue Service. That investigation's findings were published on 16 October and found that the bonuses exceeded the delegated limits and were not approved by my Department. Recommendations were made in the report to ensure that that does not happen again, and I have, therefore, no plans to carry out a further independent review of such bonus payments.

**Dr McDonnell:** I thank the Minister for his answer. What retrospective action, if any, can be taken against the individuals involved in the scandal? I accept his point that it will not happen again, but can any retribution be taken?

**Mr Poots:** I want to clarify at the outset that no individuals awarded themselves pay rises or bonuses. That was done by others, not the individuals who were beneficiaries. This situation has arisen before, namely with the Belfast Trust. The advice that I have received up to this point is that you cannot go after it because it becomes a matter of contract after a certain period. However, I am receiving conflicting advice and am therefore taking further advice on the issue. It seems to me that there is an inherent unfairness in not carrying things out in an appropriate and proper fashion, as was the case when they did not get the Department's authority.

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. There is a lot of concern after recent media stories about the Fire and Rescue Service, specifically the bonuses. What role, if any, has the Department played and what level of officials were involved with the Fire Service during the time the bonuses were paid?

**Mr Poots:** Job evaluations took place in August 2008, and the Fire and Rescue Service awarded its three non-uniformed directors increases in their pay scales. That was backdated to April 2007 and was done without referral to the Fire and Rescue Service board and without the required approval from the Department. When that was discovered, the pay rises were stopped and an internal audit investigation was carried out. That was considered to be a serious breach of NIFRS corporate governance arrangements, and actions and measures were instigated to provide assurances that such breaches in control would not be repeated. The Department agreed in May 2010 that NIFRS should record the payments in the loss register and in the losses note to the accounts, and we will look at the Department's legal advice as we deal with the matter.

The Department spends more time now with the NIFRS in regard to its monitoring of these issues.

**3.15 pm**

**Mr Anderson:** In relation to bonus payments, will the Minister seek to reclaim the bonuses paid to four uniformed officers in 2008?

**Mr Poots:** I will certainly take further legal advice on the matter. I will not pursue something where I do not have a leg to stand on legally. However, I think that, particularly in the public eye, if people are receiving bonuses that have not been through due and proper process, there is an expectation on us to ensure that we do what we can to get them back. Therefore, I will take further legal advice on the matter. It is primarily a matter for the Northern Ireland Fire and Rescue Service, and, indeed, the people who sit on its board. There is an expectation on the board that it should demonstrate more teeth than has been the case on a series of issues up to this point.

**Mr McCarthy:** The Fire and Rescue Service has served Northern Ireland extremely well at ground level over the past number of years. Does the Minister believe that his Department's actions, or, indeed, inactions, with regard to monitoring the Fire and Rescue Service at the top were adequate? Can he give us a guarantee that things like that will not happen again?

**Mr Poots:** It is quite risky to give guarantees as to what may happen in the future. Nonetheless, I can indicate that, for a considerable period,

things went on in the Fire Service with which the Assembly and the Department are clearly unhappy, and with which I, as Minister, am unhappy. We are looking to take the Fire Service in a new direction. We have brought in someone from outside the organisation to head up the corporate side of it as chief executive. We have carried out reports and investigations into a series of allegations and brought them to this House. Further matters were brought to me just last week. I was contacted last Monday by a third party, whom I met on Wednesday and from whom I received allegations. That afternoon, I instructed my accounting officer to establish a further inquiry, which will be outside of the Department and which has to have a degree of independence. That is being carried out. All those things are being done to bring a new culture into the Northern Ireland Fire and Rescue Service; one that observes all the corporate governance rules that every government body is expected to observe.

## Coeliac Disease: Prescriptions

**6. Mr Campbell** asked the Minister of Health, Social Services and Public Safety whether he will consider reviewing the limit of units of gluten-free foods available on prescription per month for people with coeliac disease. (AQO 2775/11-15)

**Mr Poots:** It is recognised that adherence to a gluten-free diet is essential for patients with gluten-sensitivity, such as those suffering from coeliac disease. The Health and Social Care Board's most recent guidance to prescribers, issued in November 2011, endorses the use of 'Gluten-free foods: a revised prescribing guide 2011'. That guidance was written by Coeliac UK, the Primary Care Society for Gastroenterology, the British Society of Paediatric Gastroenterology, Hepatology and Nutrition and the British Dietetic Association. The guidance recommends the amount of staple gluten-free food that a patient should receive on prescription each month, based on the age, gender and levels of physical activity of the patient. However, it remains the responsibility of the prescriber to make appropriate decisions on the quantities of gluten-free food they are prescribing, based on their knowledge of the circumstances and clinical needs of the individual patient.

**Mr Campbell:** I thank the Minister for his response. In examining the cases that he has outlined, will he take account of the small number of individuals — one of whom has come to me in my constituency — who have a particularly high dependency on gluten-free



products? They find that their requirement and dependency is in excess of the units stipulated. Will the Minister undertake to examine the very small number of people who are affected by that condition and review the number of units required?

**Mr Poots:** Certainly, the numbers are small. We provide support on the gluten-free diet that is offered, particularly with regard to staple foods. Once it moves beyond staple food, it becomes a matter for the prescriber. However, we are very happy to look at those things.

**Mr McClarty:** I thank the Minister for his response. Although I agree with him that a relatively small number of people suffer from coeliac disease, that number seems to be increasing. What steps is he taking to make people aware of the symptoms of coeliac disease?

**Mr Poots:** The Public Health Agency is best suited to deliver information on the matter. We are constantly updating information on a whole range of conditions and illnesses that the general public would not be easily aware of, so that more people can identify with the illness and recognise that they have problems and need to see their GP to get the appropriate advice to deal with their condition.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his interest in the matter. What research has been done by the Department on the prescriptions issue, which was raised by Mr Campbell? Often the prescriptions, especially for the essentials such as loaves, are not adequate. People then have to resort to buying the loaves, which are £3 or £4 each and are small. What research or outreach has been done by his Department to look into those matters and the adequacy of the prescriptions?

**Mr Poots:** The cost of non-staple gluten-free foods is determined as a result of commercial decisions made by private sector manufacturers and retailers and is influenced by a wide range of regional, national and international factors. Subject to Executive approval, I intend to issue a consultation in the near future on the potential of prescription charges. In doing that, I would like to take account of people with coeliac disease and look at the gluten-free situation that exists. Everybody has to buy food. We will never account for 100% of the cost of food for those who require gluten-free foods. Nonetheless, there is an acknowledgement, and that is already being carried out. What Members have raised cannot be done further.

However, there is an acknowledgement that people who require gluten-free food have to pay considerably more than those who eat food containing gluten. Therefore, it is incumbent on us to ameliorate that as far as possible.

## Termination of Pregnancy

7. **Mrs Overend** asked the Minister of Health, Social Services and Public Safety when the contents of the publication 'Guidance on the Termination of Pregnancy: The Law and Clinical Practice in Northern Ireland' will be updated to include guidance on conscientious objection and counselling. (AQO 2776/11-15)

12. **Mrs D Kelly** asked the Minister of Health, Social Services and Public Safety when he plans to publish guidelines for the medical termination of pregnancy. (AQO 2781/11-15)

**Mr Poots:** With your permission, Mr Deputy Speaker, I will answer questions 7 and 12 together.

As I have previously stated, I fully intend to publish guidance on termination of pregnancy. However, this matter has been subject to judicial review, and I must ensure that any draft published by my Department is robust enough to withstand any legal challenges that may emerge. As such, I am actively considering the full range of issues involved and seeking advice where appropriate. I will produce guidance only when I am content that it is fit for purpose. Any guidance produced will not change the law on abortion in Northern Ireland.

**Mrs Overend:** I thank the Minister for his response. I am concerned about the issue. The consultation on the revised guidance closed during October 2010, and departmental staff would have been working on it since then, I presume. The Minister has been in post for 17 months. Will he indicate when nurses and doctors can expect the guidance to be finalised so that there will be a clearer understanding of their rights and responsibilities?

**Mr Poots:** There is a clear understanding that abortion is illegal in Northern Ireland. There are defensible circumstances where people can engage in an abortion, and that relates to the life of the mother or the mental well-being of the mother over a long-term and a permanent basis. That is pretty clear, and no matter what guidance is produced, it will not take away from the law that exists in Northern Ireland. The previous Minister brought forward guidelines and they were overturned, so I do not want to be in the same position as the previous Minister

on that issue. I am interested to hear the Member raising that question because I am not exactly sure where her party stands on the issue. I do not know whether the Ulster Unionist Party is a pro-life party or a pro-abortion party, but I will make it very clear that we will bring forward the guidance when we are absolutely confident that we can move forward with it. In the meantime, people should be guided very clearly by the law as I have stated.

**Mrs D Kelly:** I look forward to that guidance coming forward. How can the Minister reassure the people who are pro-life that the Marie Stopes clinic will be adequately regulated in the interim period?

**Mr Poots:** Abortion is a matter of criminal law. The Department has been, and continues to be, in a process of seeking details, through the RQIA, of the full range of services and medical professionals providing services at the Marie Stopes clinic in order to determine whether the clinic will be regulated under the definition of the 2003 Order. The Department has sought legal advice based on the information received, and medical staff in the clinic are regulated through their own professional bodies. Abortion in Northern Ireland is a subject of criminal law. Therefore, anyone carrying out abortion needs to recognise that they are subject to criminal law, and if they are in doubt, they should be very careful because criminal law carries considerably greater punishment than civil law.

## Mental Health Services: Belfast

8. **Ms Lo** asked the Minister of Health, Social Services and Public Safety why many patients receiving mental health care and treatment have been reassigned to a different Belfast area team based on the location of their GP rather than their home address. (AQO 2777/11-15)

**Mr Poots:** Belfast HSC Trust regularly reviews its approach to the delivery of services and, in response to feedback from service users and general practice, has made changes to the deployment of community mental health teams to align them better with service users' GPs. For a small number of service users, that has resulted in a change to the mental health practitioners with whom they are working. The trust's approach in those instances has been to discuss any proposed change with the individual service user and to proceed to effect the change only where the service user is content.

**Ms Lo:** I thank the Minister for his response. I just wonder whether it makes sense, particularly for mental health patients, if there are changes. It is probably handier for them to have the local team, such as mental health nurses, to visit them, rather than creating a much longer distance for them to travel or for the medical staff to go and visit them at their own home.

**Mr Poots:** I am trying to work out what the question is, Mr Deputy Speaker.

**Ms Lo:** The question is this: does it make sense to move it this way, rather than sticking with the previous way, which was that people belonged to a particular local team according to their address? What I am saying is that you are creating a longer distance if the GP is quite far away.

**Mr Poots:** Any proposals have been done on the basis of feedback from the service users and general practitioners. You make changes when you can identify that improvements can be made in services, and I believe that that was the basis for making the decision. We will work very closely with the Bamford recommendations on mental health. Bamford has been designated as the way forward in respect of mental health, and that is something that we are comfortable with implementing.

**Mr Deputy Speaker:** Time is up. That concludes Question Time.

**Mr Wells:** On a point of order, Mr Deputy Speaker. I was first elected here 30 years ago last Saturday.

**Mr Deputy Speaker:** That is not a point of order.

**Mr Wells:** I have to say that something just happened in the Chamber that I have never seen in all my many years here. An honourable Member was allowed to stand up and have an exchange with a Minister during Question Time. Will you assure the House that that is not the norm and that it would not normally be acceptable for a Member to have a conversation, such as Ms Lo has just had, with a Minister?

**Mr Deputy Speaker:** I say to the honourable Member that it appeared to me that the Minister did not follow the question. I think that it was entirely appropriate to allow the Member to repeat it.

3.30 pm

## Question for Urgent Oral Answer

### Justice

#### Security: Prison Service

**Mr Givan** asked the Minister of Justice, following the brutal murder of Prison Officer David Black, what actions are being taken to address the security threat against members of the Prison Service and provide all necessary protections from terrorist attacks.

**Mr Ford (The Minister of Justice):** The safety and personal security of prison staff is a high priority. It is, of course, kept under constant review. Following the murder of prison officer David Black last week, Prison Service management responded immediately to remind staff of the need for vigilance and to reissue guidance on personal security. The Prison Service also triggered an urgent review of security. Today, the director general has issued further advice to staff on the assessed threat level and has reminded them of the range of personal security measures that is already available to them. My Department and Prison Service management continue to work closely with the appropriate authorities to consider further any implications for staff security.

**Mr Givan (The Chairperson of the Committee for Justice):** The Minister will know that this is a very serious matter. It is a matter of concern that was raised repeatedly prior to the tragic murder of David Black. Officers felt that their security concerns were not being treated seriously. Will the Minister assure me that, through his discussions with the Northern Ireland Office, the home protection scheme that it provides will be made available to officers who need it and that, where it is installed, it will be maintained? Officers have informed me that home protection scheme equipment is not maintained and that they have been told that it is their responsibility to maintain it. Does the Minister agree that that is a completely deplorable position to be in? It needs to be reviewed urgently. Will he take the lead to ensure that prison officers' security concerns will be addressed and protection provided to them?

**Mr Ford:** As the Chairperson of the Committee correctly highlights, the home protection

scheme is managed by the Northern Ireland Office. I was certainly concerned to hear reports that prison officers had been told that equipment was not being maintained. It was certainly my understanding that as long as people remained within the ambit of the scheme, the Northern Ireland Office maintained the equipment that it provided.

I have already sought and secured a meeting with the Minister of State responsible for the scheme's administration. I will put in the strongest possible terms my belief that there needs to be a proper assessment of the needs of prison officers and, indeed, of others in the community, and where equipment is supplied, it must be maintained as long as individuals remain within the terms of the scheme. I certainly trust that that will be responded to positively by the NIO when I meet the Minister.

**Mr McCartney (The Deputy Chairperson of the Committee for Justice):** Go raibh maith agat, a LeasCheann Comhairle. Buíochas leis an Aire don fhreagra sin. Will the Minister take this opportunity to outline the meetings that he has had with the PSNI to receive updates on the current assessment of the threat?

**Mr Ford:** I suspect that Members, including Mr McCartney, would not wish me to give full details. I have had a number of discussions with the Chief Constable and Assistant Chief Constable Drew Harris since Thursday morning. I expect to meet the Chief Constable again tomorrow. I will ensure that the Department responds positively to anything that is required by the Police Service, and which the Department can supply, in the work that it must now carry out. I have also had discussions with the Justice Minister in Dublin, who assured me that the Garda Síochána will provide any necessary support that it can. As I said, there will be other meetings with, for example, the NIO Minister of State. Therefore, the matter is being treated extremely seriously.

**Mr Elliott:** I thank the Minister for his answers. Does he accept that it is important that we are all careful with the terminology that we use about prison officers and ensure that there is no hint of a lack of confidence in long-serving prison officers, particularly as the director general of the Prison Service recently made comments to the Justice Committee that could be construed in that way?

**Mr Ford:** I am not sure exactly what remarks of the director general's Mr Elliott is referring to. I am certainly happy to place on record my confidence in the important work that prison

officers are doing, be they long-serving staff or those who have recently joined the Prison Service, on behalf of everyone in this society.

**Mr A Maginness:** I express my condolences to the Black family on the murder of Mr Black. Given that we are now entering a new period of recruitment to the Prison Service, will the Minister assure the House that those new recruits will also benefit from any security measures that are given to long-term prison officers so that they can be reassured that their jobs, livelihoods and persons will be safe?

**Mr Ford:** I am happy to give Mr Maginness that assurance. The new custody officers are certainly given security advice as part of their initial training at the college in Millisle. I know that those in the first group who were on duty at Maghaberry last Thursday morning were spoken to directly by a senior member of staff there. However long their service, they are as entitled as any other member of the Prison Service to receive the full and necessary security provisions.

**Mr Allister:** In addition to ensuring that the matter that Mr Givan raised is addressed, namely, that home security, when provided, is maintained by the NIO, will the Minister take a hands-on interest in the implementation of the special purchase of evacuated dwellings (SPED) scheme, which has given rise to complaints about its adequacy and performance? Although that might fall within some other Ministers' remits, will he, as the Justice Minister, take that hands-on approach to make sure that it is working adequately?

**Mr Ford:** I assure Mr Allister and other Members that I have, indeed, already taken a hands-on approach to the SPED scheme. The issue has already risen in the context of a small number of police officers — I believe it is four in total — who are subject to negative equity in the application of the SPED scheme. Some time ago, I had a discussion with the Minister for Social Development and the Minister of Finance and Personnel, who also have responsibilities in that area, to see what could be done to work out an arrangement that meets the needs of that small group of police officers. I am not aware of any prison officers who are currently in negative equity. Of course, as we have seen in other areas, the SPED scheme applies to normal vesting for redevelopment on the basis of assessed market value. That is the way in which the scheme operates.

I have sought an update from the Department for Social Development on whether it is carrying

out any further work on the SPED scheme, because that was under consideration some time ago. I will ensure that it is applied as best it can be for those who fall within the ambit of my Department. At the end of the day, in its normal operation, it applies on the basis of assessed market values, so we may have to look for additional measures for the small group that is affected by negative equity.

## Committee Business

### Muscular Dystrophy and Related Neuromuscular Conditions

*Debate resumed on motion:*

*That this Assembly welcomes 'The McCollum Report: Access to specialist neuromuscular care in Northern Ireland'; is concerned about the lack of specialised neuromuscular services revealed in the report; believes that a lead for muscular dystrophy and related neuromuscular conditions should be appointed from within Health and Social Care; recognises that significant funds are being wasted on unplanned emergency admissions to hospital; notes that investing small amounts in the development of specialised neuromuscular services can lead to a reduction in these unplanned emergency admissions; further recognises the vital evidence provided by the Muscular Dystrophy Campaign's Northern Ireland Muscle Group during the all-party group on muscular dystrophy inquiry; and calls on the Minister of Health, Social Services and Public Safety to act on the recommendations in the report. — [Ms S Ramsey (The Chairperson of the Committee for Health, Social Services and Public Safety).]*

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. As a member of the Health Committee, I, too, support the motion, which is very timely.

First, I commend the McCollums and the other families who gave evidence to the inquiry and the published report. When listening to evidence from the families and the young people who suffer from the condition, one of the things that struck me was their sheer courage and determination and their ability to deal very well with the condition, which affects them on a daily basis.

Other Members spoke about the need for greater resources, but in evidence to the inquiry, it was also stated that there is a:

*"need for greater education and training for health professionals".*

Some of the evidence pointed to the fact:

*"it's your local GP, it's the generic services that are there. And these people usually are not knowledgeable about muscle disorders ... this is a huge vulnerability generally with support services for rare disorders".*

The inquiry also showed that patients here who are:

*"affected by muscular dystrophy and related neuromuscular conditions experience inconsistent standards of care from diagnosis onwards. There is also an alarming reduction in services when moving from paediatric to adult services, such as the provision of physiotherapy and respiratory services, which are essential".*

It was mentioned in some of the evidence:

*"As the children progress into adult services, they move from their school service to community provision, which is sadly lacking and under extreme pressure."*

In its evidence to the inquiry, the College of Occupational Therapists stated:

*"Specialist skills are required to work with the more complex of this group. A specialist/consultant occupational therapist(s) for both children and adults should be available for advice, consultation for core services when specialist intervention is needed."*

It also stated:

*"A model based on the existing Complex Care Team should be available regionally"*

and

*"Communication across all levels with professionals/services involved with clear model of care and pathways needs to be developed."*

The report states:

*"It is evident that specialist health professionals do an excellent job in providing the best possible service they can ... but they require increased support in terms of additional posts and clinical time within the specialist multidisciplinary team set-up."*

Recommendation 13 of the report states:

*"The ... Executive, in conjunction with HSC, improves the level of recognition and knowledge of muscular dystrophy and related neuromuscular conditions at GP level."*

I certainly endorse that and, indeed, all 15 recommendations.

Coming down the road at us are the proposed changes to welfare reform and cuts. There is no doubt that young adults with a disability are among those vulnerable groups that will be most impacted on. I ask the House to ensure that that does not happen.

**Mr Easton:** I believe that we live in a compassionate society and that society feels that it is its duty to help those who cannot help themselves. I feel sadness at the experience of families who have members who suffer from muscular dystrophy. By implementing much of the McCollum report, we can go some way to helping to ensure that families are supported and that individuals get the appropriate aids, treatments and therapies that will improve the quality of life for all affected.

Muscular dystrophy affects approximately 2,000 people across Northern Ireland and has 60 types. In some cases, the condition can affect life expectancy as it affects the heart and lung muscles, while in other cases it affects the limbs but life expectancy is not impacted on. Regardless of the type of MD that a person is diagnosed with, the fact remains that the family and individual expect that they will get the appropriate care and support from our health system.

Sadly, Northern Ireland has lagged behind other regions in the UK. The report highlights areas that can be improved on to help reduce some of the stress and worry of those affected. If we invested £320,000 in the system and produced a more joined-up, cohesive approach, we could make not only significant differences to the experiences of people who use the service but could once again be sure that we can provide the same level of care as in other UK regions.

I want to see a society in which people are not informed over the telephone that their child has a life-limiting condition or left waiting for the appropriate aids to make their life easier.

**Mr Swann:** Will the Member give way?

**Mr Easton:** Yes.

**Mr Swann:** I know that the Member is the Minister's APS. On diagnosis over the phone, I ask that that be something that the Minister look at quite seriously. I was informed earlier today of a diagnosis given over the phone only three

months ago that has had a quite devastating effect on the family concerned.

**3.45 pm**

**Mr Easton:** I thank the Member for his intervention. The Minister is going to look into that issue.

Through the brave testimony of those who live with the condition every day, we have the unique ability to address what they identify is needed. One of the major failings identified is in the transition from paediatric care to adult services. Indeed, this is often the case for many conditions and it needs to be addressed as soon as possible. We need to take a holistic approach to how we support families who experience the condition every day. It is not just the person who is diagnosed with the condition who needs support but those who care for them.

The report highlights how vital respite care is, not just to the carers but to the individuals being cared for. The delay is in getting things such as appropriate head supports or wheelchairs for individuals, which effects the health of the individual and the mental health of the wider family. We need to be sure that people are given the appropriate information. To that end, the post of specialist care adviser needs to be filled as soon as possible, with the option of a second post being created to be examined. Hopefully, that will ensure that the situation in which the post is unoccupied for six months will not be repeated and that families will not be left in limbo.

I thank all families who made representations, and I thank the professionals for their help, advice and guidance to the all-party group. We have the ability to improve the current situation. By implementing much of the report's recommendations as soon as possible, we will achieve a better situation for all in Northern Ireland who are affected by MD.

**Mr Gardiner:** I support the motion. This is not about more resources for muscular dystrophy, although that, of course, would be welcomed. It is about the better and more effective use of the existing resources. The point has been made that £2·27 million is spent on emergency hospital treatment for people with muscular dystrophy and related conditions. National Health Service studies make the point that up to 40% of those hospital stays could be avoided if just £160 per patient, which is a total of £320,700, was invested in preventative care.

We must not regard muscular dystrophy as being just a disease for children. There needs to be a greater focus on what happens to children with muscular dystrophy when they become adults. The McCollum report specifically mentions the fact that healthcare is focused on children, with services dropping away in adulthood. That is often the time when patients' health is at its most critical.

There is excessive red tape around funding for genetic tests here in contrast to the rest of the United Kingdom. This leaves families often having to suffer months of agony while waiting for a diagnosis. Given that 2,000 people in Northern Ireland suffer from the condition, it needs to be pushed up the priority scale. It cannot be right that children in Northern Ireland wait months for vital appointments and that adults wait sometimes for several years. That is a poor reflection on our health service here. It is something that I am sure that the Minister will want to address.

Given the scale of the problem, it cannot be right that the whole of Northern Ireland has just one specialist care adviser and that the post has remained unfilled for six months. Funding has been found in England for 23, and Wales and Scotland have been able to find funding for three.

The points that I have made today are practical, and they all need to be addressed as a matter of urgency. I call on the Minister to do so. I support the motion.

**Mr Agnew:** I support the motion. I pay tribute to Gerry and Geraldine McCollum for their work in securing the debate today and the production of the McCollum report.

Muscular dystrophy has affected their lives for 23 years since their son's diagnosis with the illness. I know that, more than 10 years on from their son's death, the fact that we are debating the issue and giving it such prominence brings warmth to the family. It means a lot to them to know that their campaigning efforts, those of the other families affected by muscular dystrophy and others who have campaigned on the issue have been heard, and that we have brought the motion forward and given the issue the prominence it deserves. I commend the Health Committee for doing so.

I attended the launch of the McCollum report at the beginning of the summer. Like all who attended, I could not help but be moved by some of the stories of how the illness affects the lives of young people and their families. As

a parent, I know how much distress even the most minor illnesses to our children can cause, and I can only imagine the difficulties that arise when such a serious illness afflicts a family.

The Minister has said that he cannot accept all the recommendations of the McCollum report. The report is by no means the last word on muscular dystrophy, but it is a very important contribution, and that is recognised in the motion. I hope that, in giving his response, the Minister will at least address each of the recommendations individually and give reasons why he feels he can or cannot accept them. To be fair, he said that he would do that on the radio today. It is important that it is communicated to those who put in so much work and gave evidence on the report to the all-party group that each recommendation has been given serious consideration. If there are reasons why some of the recommendations cannot — or the Minister feels should not — be implemented, those who contributed to the report should hear them.

I would like to pay tribute to the all-party group on muscular dystrophy. As all MLAs know, there are a number of all-party groups. Our time is stretched and there can be difficulties attending. As the sole representative of my party, I find it hard, and I try to attend as many as possible. It is important that all-party groups are not just seen as talking shops. The chair, deputy chair and members of the all-party group on muscular dystrophy have shown leadership in that regard. They ensured that the all-party group did not just discuss the issues, but took action through the inquiry that led to the report before us today.

An issue that has been touched on by a number of Members is the cost of emergency hospital treatment. I welcome that the Minister said on the radio today that he recognises the cost savings of proactive investment in care services to limit or mitigate instances of emergency hospital treatment. I think that that approach needs to be taken as much as possible across the health service. It will allow us to redress the balance of preventative spending versus emergency treatment so that we can truly have a health service that promotes good physical and mental health and, as I said, that mitigates the need for emergency treatment. However, of course, we will always need a level of treatment, and we must ensure that those services are provided. We should seek to reduce that demand by investing early and ensuring that people receive services on a proactive basis.

I commend all involved in the report, and I welcome the contributions that I have heard today. I hope and believe that we will see some positive outcomes so that the hard work and campaigning pay off, and so that we can see some good coming out of the suffering of those with muscular dystrophy.

**Mr Poots (The Minister of Health, Social Services and Public Safety):** I welcome the opportunity to hear from MLAs on the motion and to respond to it. I also want to thank the all-party group on muscular dystrophy for its commitment to improving care for people with this very distressing condition. I am aware of the difficulties that people, young and old, who suffer from muscular dystrophy and other related neurological conditions have to face daily. I am also aware of the impact that living with these debilitating conditions can have on families, friends and carers. That is why I was pleased to attend and speak at the inaugural meeting of the all-party group in September 2011 and why I welcome the publication of the McCollum report in June this year. A considerable amount of work has gone into the production of the report, and it has presented us with much food for thought.

The wording of the motion contains some hard-hitting criticism of the services that are provided for sufferers of muscular dystrophy. Be in no doubt: such criticism has an impact. The wide range of people in the Health and Social Care family of organisations who provide those services rightly pride themselves in their ability to deliver care to a high standard in a tough economic climate. However, I must also recognise and respect the fact that such criticism may and does reflect the real-life experiences of people who suffer from neurological conditions and those of their families. Be in no doubt that we take the issues very seriously, and I have approached the debate as one who is prepared to listen and learn as well give some leadership.

Since the report was launched in June, departmental officials have shared it with the Health and Social Care Board (HSCB), the Public Health Agency (PHA) and the five health and social care trusts. The aim was to seek a considered assessment of the report and its recommendations from those who design and deliver the services. There has been much internal discussion and debate over the summer, during which time health professionals from the Health and Social Care Board, the five health and social care trusts and the Public Health Agency service teams were afforded the opportunity to consider the report and its 15 recommendations in detail. The internal

discussion culminated in the Health and Social Care Board running a workshop on 21 September 2012 to review the comments received from the many professionals working in the field and to finalise its assessment of the report.

Given the time available to me today, I do not plan to speak about each individual recommendation. As I indicated previously, I will provide a written response before long. However, I want to give a preliminary response. In my view, a number of recommendations can be taken forward and implemented as soon as is practicable. Recommendation 4, for example, suggests that the Health and Social Care Board and the Northern Ireland Executive create a steering group to develop specialist neuromuscular services, incorporating the views of people affected with neuromuscular conditions. Although we do not necessarily support the creation of such a steering group, a priority for the board is the establishment of robust engagement mechanisms with service users and carers, clinical staff, trust management, voluntary and community organisations and other statutory organisations. That is an acknowledgement of the fact that people with progressive neurological conditions require access to a range of services that can cross boundaries between health and social care, employment and benefit services, housing and education. Given the complexity of the conditions, the multidisciplinary approach is critical in those instances. In support, the Health and Social Care Board proposes to establish a neurological conditions advisory group, and a workshop was held recently to consider the role and remit of this group and its means of engagement with the wider network of stakeholders. I propose to allow the board to take the work forward and thus fulfil the role of the proposed steering group. I am sure that the group will provide a useful forum for the necessary exchange of views between service designers, providers and, very importantly, users.

Recommendation 6 suggests that the Health and Social Care Board and the trusts use specialist expertise in the Belfast Health and Social Care Trust to develop a hub-and-spoke model of service provision. Effectively, such a hub-and-spoke model for specialist neurological care already exists, with the Belfast Trust at the centre. The Health and Social Care Board has committed to continue to explore opportunities to develop those arrangements further for the benefit of service users. I suspect that recommendation 4 will help us with recommendation 6.



Recommendation 13 suggests that the Northern Ireland Executive and Health and Social Care improve the level of recognition and knowledge of muscular dystrophy and related neuromuscular conditions at GP level. The HSC Board is supportive of that recommendation and will consider sending information to GPs or arranging group event training. My Department will also raise the issue with the Northern Ireland Medical and Dental Training Agency.

#### 4.00 pm

There are some recommendations in which we see merit, but which require discussion with all concerned and need to be fleshed out. Recommendation 1, for example, suggests that a lead for neuromuscular services be established within the HSC in Northern Ireland. The HSC Board and the Public Health Agency have recognised the need to put in place specific arrangements and to support the delivery of services for people with neurological conditions, including people with muscular dystrophy and related neuromuscular conditions, and their carers. They point to the existence of the neurological conditions subgroup of the long-term-conditions service team, which was established to provide resolved advice and expert opinion to the HSC Board and the PHA on health and social care services for people with neurological conditions, including neuromuscular conditions. However, that is clearly a key recommendation for the all-party group and Muscular Dystrophy Campaign, and, again, we take it very seriously.

Given the existence of the subgroup and the board's proposal to create a neurological conditions advisory network to improve conditions for service users, it would be helpful if the all-party group could detail for us specifically what added value such a lead could bring that cannot be achieved within the current and proposed arrangements. Put simply, the answer to that recommendation is not no, but, in these straitened times, we need to be convinced about the real added value of such a lead before we consider the deployment of more resources in that direction.

Recommendation 12 asks the Northern Ireland Executive to address inequalities in wheelchair service provision for people with muscular dystrophy. We heard from various Members the cases of the long waiting times that people requiring specialist wheelchairs have had to endure. It is acknowledged that there are issues regarding timely access to specialist wheelchairs, and that is now monitored on a monthly basis through the regional criteria for

access to the service for all service users, including those with complex needs. However, in recognition of the specific pathway for specialist wheelchairs for clients, such as those with muscular dystrophy or other neuromuscular conditions, a separate monitoring process was put in place in April 2012. In 2010-11, the average time for assessment and issue was 32 weeks. I recognise that it will take much longer to provide those specialist wheelchairs than it will to provide the standard models, because, by their nature, they are customised and bespoke. However, I think there is room for improvement, and I am not happy that people are still having to wait for as long as 32 weeks. I welcome the fact that it has been reduced to that time, but I want to see it reduced further. The board wants to improve that position, and that will be helped by the training of a second bioengineer and recent changes in internal processes. My Department will continue to monitor the situation very closely to ensure that it continues to improve.

A few of the recommendations are not feasible for a variety of reasons. Recommendation 15, for example, suggests that health and social care trusts and Northern Ireland councils should develop structured joint planning provision to ensure a seamless transition and co-ordination between health and social care services. Although I am generally in favour of the Department and its agencies working in a joined-up manner in the provision of services, in principle, I imagine that that particular recommendation was written from the viewpoint of services in other parts of the UK where health and social care services are provided by separate bodies. That recommendation may not be as relevant in Northern Ireland, as we have an integrated health and social care system. However, the wider point on the need to improve transitions, particularly from child to adult services, is not lost on us, so we are working with other Departments and agencies to make improvements in that area.

I also noted that recommendation 14 was about looking at long-term succession planning, so that recruitment for and appointment to key neuromuscular posts happens quickly. We have had preliminary discussions between the Department, the HSC Board and the PHA, and the trusts indicate that implementation of that recommendation is not feasible at this time. Every effort is made to ensure effective succession planning for doctors across a range of specialities, and, generally, where possible, medical posts, where the post holder is approaching retirement, are highlighted and identified to the Northern Ireland Medical and

Dental Training Agency in order for it to allocate a junior doctor to a specialist training programme. Similarly, where it is apparent that a specialist nurse or allied health professional is approaching retirement, steps can be taken to begin to train staff with generic skills. However, specialist medical training can take up to five years and retirement age is not fixed. It can prove challenging to co-ordinate the completion of training within the retirement period of a senior consultant in specialities where the number of consultants is small. So, the implementation of that recommendation may not be feasible, and we have to caveat that. The specialist position that became available last November did so due to illness and was completely unforeseen. Getting a specialist to replace him has proved very difficult. However, contrary to what I said on radio this morning, we are hopeful that that position will be filled this month, and I trust that that will make a significant difference in the care that is offered.

I emphasise that what I have said this afternoon is our preliminary position. The report was launched in June, just before the summer holidays. Many health and social care staff were on leave, so getting people together was a bit more challenging. My Department received the Health and Social Care Board's response to the report only last week. Therefore, there is still much for my Department to discuss with the HSC Board and the trusts about the detail of the recommendations. I propose to respond more fully, following that, in writing to the all-party group. I intend to do that before Christmas.

I conclude by taking this opportunity to again reaffirm my support for the work of the all-party group and to convey my wish to work together collaboratively and effectively to help to ensure that the needs of people with muscular dystrophy and other neuromuscular conditions, their families and their carers are taken care of. The Committee Chair asked whether we were talking to the Republic of Ireland about joining up services on an all-Ireland basis. Indeed, Department of Health, Social Services and Public Safety officials have been in touch with colleagues in Dublin and are considering what is feasible. Those discussions are at an early point. When it comes to the more complex conditions, we will often have to share expertise, whether that is on an all-island basis or, indeed, an all-islands basis within the British Isles. What is important for those with such conditions is that we deliver the best possible care for the people who require it.

**Mr Wells (The Deputy Chairperson of the Committee for Health, Social Services and**

**Public Safety):** First, I may not be my usual self today. I have just had the tragic news of the loss of my agent of 15 years, Stanley Priestley, who died this morning. That has been a blow not to only me but the party and everyone who knew him. So, it has been a sad day, but, hopefully, I will get through this as best I can.

I attended as many meetings as I could of the muscular dystrophy group, and I was struck by many aspects of the work of that group, the first of which was the expert chairmanship of Conall McDevitt. It is unfortunate that Conall cannot be here because he made such a significant contribution as chair to that important group. I also noticed that its meetings were always packed out. I do not think that I have seen a better attended all-party group in my time at Stormont. I was also struck by the passion with which carers and those with muscular dystrophy spoke at the meetings. Any MLAs who attended certainly got a clear message that there was a level of dissatisfaction with provision in Northern Ireland at the moment.

I also have clear memories of praise for the work that is being done on muscular dystrophy in Newcastle upon Tyne. Some MD sufferers had been there and reported back the wonderful provision that there is in the north-east of England and their yearning for a similar facility in Northern Ireland or, perhaps, on an all-island basis, we do not know which. However, many of those who went to Newcastle came back singing the praises of that particular facility.

Of course, there was unanimous support for the stance taken by the McCollum family, who were so supportive of the work of the group. It is a very fitting testimony to the memory of Christopher that we now have this excellent report outlining what are perceived to be the needs of those with muscular dystrophy and allied conditions in Northern Ireland. Many Members who took part in the debate had also attended the meetings and so were quite well educated on the needs of the 2,000 people in Northern Ireland who have MD or allied conditions.

Gordon Dunne, like many others, commended the work of the McCollum family. He believes that it is crucial that services be improved, and he stressed the importance of putting in place a support structure for those affected and their carers.

Robin Swann made a particularly interesting contribution to the debate and raised some unusual points, which it was very useful for the

Assembly to hear. First, he referred to the difference in outcomes of Duchenne muscular dystrophy sufferers in Scandinavia and those in Northern Ireland. He mentioned that the life expectancy of sufferers in Scandinavia is almost twice that in Northern Ireland. That raises some fundamental questions about why someone living on one side of Europe can expect to live for 20 to 24 years while someone in Sweden or Norway can expect to live for 50 years. It is important that the Department addresses that very obvious disparity. He also made the point that a 32-week wait for a wheelchair is too long. Many Members made exactly the same point. I must say, in relation not just to this condition but to other affiliated conditions, I find the provision of wheelchairs to be a problem that frequently appears in my constituency office inbox. There seems to be a general lack of satisfaction with the present provision. The problem may be one of resources, a lack of equipment or too few trained staff, but we should look at that.

**Mr McCarthy:** I am grateful to the Member for giving way. Does he recall that one client's contribution was simply to say that when the wheelchair that they required arrived at their house, it was too wide to get through the door? There is something to be said to the specialist mechanics who do that work to make sure that the measurements for the wheelchair, or whatever, are suitable for the home.

**Mr Wells:** Again, my experience in South Down is that that can occur. It seems wasteful to go to all the trouble of delivering the wheelchair to find that it is not fit for purpose, and it would be interesting to know how often that happens.

Mr Swann made the valid point that there are six care advisers in the Republic of Ireland and none in Northern Ireland. Clearly, the requirement for six in the Republic indicates that there must be a need in Northern Ireland. I suppose, pro rata, that would mean about two advisers here. To be fair, he welcomed the Minister's clarification that two people have applied for the care adviser post in Northern Ireland. I heard the Minister's interview this morning as I was shaving, and I was surprised to hear that there had been no applicants for those important posts. I am glad that he has now clarified that position, and there is hope that we will hear the good news of at least one appointment in the near future.

Mr Durkan made a rather amusing comment about the brevity of Mr McDevitt, had he been here. I hope that Mr McDevitt is not reading this on the internet in the jungle of Columbia. If he is, Mr Durkan will be in trouble. More

seriously, Mr Durkan mentioned that muscular dystrophy is a progressive condition, and he was very supportive of the creation of the care adviser post. Better planning is needed to support the growing case load. He emphasised the urgent need for a specialist multidisciplinary approach.

Roy Beggs again emphasised the fact that 32 weeks is too long to wait for a wheelchair and said that that could lead to the isolation of people because they cannot get about. It is bad enough getting the diagnosis and the condition being progressive, but then to find that you have to wait for such a long period to get some form of mobility must be quite distressing. He stated that the £160 invested per patient in prevention is not enough and that equipment is needed earlier, which is a theme that ran throughout all the contributions. He was concerned about the lack of a joined-up approach to services by health professionals. He emphasised the importance of workforce planning so that the care adviser post does not become vacant again.

Pam Brown was very supportive of the motion. She said that the system does not work as well as it should and that the Department would do well to consider seriously all the McCollum report's recommendations.

Paula Bradley said that muscular dystrophy patients do not receive the treatment that they require and that Northern Ireland is falling behind other regions of the United Kingdom.

A recurrent theme of the Minister's time in office has been the importance of the idea that there should be no difference whether you live in Basingstoke or Belfast, Londonderry or Luton; everyone in the United Kingdom should have the same access to treatment. To be fair to the Minister, he has made quite enormous strides to try to achieve equality. Indeed, in some aspects of care, Northern Ireland is ahead of the rest of the United Kingdom. A recent example is the fact that the Southern Health and Social Care Trust was voted as having the best telemedicine service in the entire country. Therefore, to some extent, people in other parts of the UK will complain that they are behind Northern Ireland, but, in this, we have clearly fallen behind. We need to catch up as quickly as possible.

#### 4.15 pm

According to Ms Bradley, the cost of emergency care for MD sufferers in Northern Ireland is £2.27 million a year, which could be cut by 40%

by bringing in specialist care. I am sure that, as far as the Department is concerned, that would be a valuable saving.

Maeve McLaughlin said that there was a need for a lead for MD in the HSC and for early intervention and occupational therapy. I will come back to that point, because Mickey Brady mentioned it.

Kieran McCarthy said that there were six key messages in the motion, which are also in the McCollum report's 15 recommendations. He called for the report's full implementation, and, again, he raised the issue of the gap in the provision of services between Northern Ireland and the rest of the United Kingdom. He also felt that the £2.5 million that was being spent at the moment was being wasted due to unnecessary hospital admissions.

Alex Easton emphasised again the enormity of the condition, saying that 2,000 people were suffering from it. He said that there was a need to look at the practice of people being given a diagnosis over the phone. I would hope that, at the very least, we would not have any future situations in which someone was diagnosed with as serious a condition as MD over the phone. I am sure that that was a slip in the professional standards of the clinician concerned, and I would like to think that it would not happen again. It is far too serious to be done over the phone. Mr Easton also made an interesting point about the need to address the transition between paediatric and adult care. Of course, he came back to the lack of respite care provision, which is an issue that raises its head many times and is an area in which we are particularly weak in Northern Ireland. It comes through my office time and time again. There is a concern that, for many conditions, Northern Ireland is not up to the standards of the rest of the UK in respite and, in particular, in making it accessible to carers.

Mickey Brady emphasised the role of occupational therapists in the treatment of those with MD. He is absolutely right. Unfortunately, as we know, we have a shortage of qualified OTs to do that work.

**Mr Deputy Speaker:** The Member must bring his remarks to a close.

**Mr Wells:** Well-trained OTs can do an awful lot to alleviate the condition.

I thank everyone who took part. I know that the Minister is taking on board seriously the points that were raised, and I am sure that we will support the motion in its entirety.

*Question put and agreed to.*

*Resolved:*

*That this Assembly welcomes 'The McCollum Report: Access to specialist neuromuscular care in Northern Ireland'; is concerned about the lack of specialised neuromuscular services revealed in the report; believes that a lead for muscular dystrophy and related neuromuscular conditions should be appointed from within Health and Social Care; recognises that significant funds are being wasted on unplanned emergency admissions to hospital; notes that investing small amounts in the development of specialised neuromuscular services can lead to a reduction in these unplanned emergency admissions; further recognises the vital evidence provided by the Muscular Dystrophy Campaign's Northern Ireland Muscle Group during the all-party group on muscular dystrophy inquiry; and calls on the Minister of Health, Social Services and Public Safety to act on the recommendations in the report.*

## Private Members' Business

### Councillor Sammy Brush

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer of the motion will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer will have 10 minutes to propose the amendment and five minutes to make a winding-up speech. All other contributors will have five minutes.

**Mr P Robinson:** I beg to move

*That this Assembly extends support, without qualification, to Samuel Brush, a DUP councillor who, while working as a postman, was shot and survived an assassination attempt by the convicted terrorist Gerry McGeough; stands by the victims of terrorism; and expresses revulsion at those who side with would-be murderers rather than an innocent public servant.*

The events of this past week, in particular the murder of David Black, have been a timely reminder to us all of the terrorist threat that still exists. Although as a society we have moved a very long way from the dark days of the Troubles, we have had a chilling reminder that we cannot afford to be complacent about the threat and ideology of terrorism. Once again, the community has united in condemnation of those who carried out the brutal murder of a man who was on his way to do his job and serve his community. Today, the Assembly united. We galvanised in opposition to that terrorist act and in support of those who have been so tragically touched by terrorism.

The fact that atrocities of that nature are now so rare and the condemnation so universal is a mark of how far we have come as a society. We are moving to a new, shared and united community in Northern Ireland. However, in doing so, we must never sideline the interests of victims, disregard their quest for justice or be insensitive to their hurt and the ordeal that they have faced. Today, therefore, I take the unusual step of proposing a motion not as First Minister but as party leader in support of a colleague of mine who continues to suffer not just at the hands of those who sought to kill him and those in his home area who, to this day, continue to attack his home and threaten his family and him but now incredibly at the hands

of some elected representatives who have sided with his would-be murderers rather than him. It is even more objectionable when we learn that that took place in his presence in his own council chamber. He had to listen to councillors arguing that the convicted terrorist Gerry McGeough, who had been tried for murder and sentenced to 20 years' imprisonment for attempted murder, 10 years for possession of weapons and seven years and four years for two counts of IRA membership, should be released from jail having served only a few months and without even serving the Belfast Agreement's reduced sentence of two years. I regard that as offensive and in stark contrast to the progress that has been made in recent years. That is why I want to give all in the House the opportunity to join us and stand together with a victim of terrorism.

There are many victims on all sides of the conflict, and each deserves their own time and attention. However, this motion is about Sammy Brush. I have seen the amendment tabled by our colleagues in the Ulster Unionist Party. I support its sentiments entirely. On another day, I would endorse and welcome that amendment or a motion proposed on its own terms. However, I do not want us to lose focus today. I want this debate to be about just one victim: Sammy Brush. I call on the Ulster Unionists not to push their amendment to a vote but to bring it forward on another day. To move their amendment would be to dilute and broaden a specific issue and allow others to hide behind more wide-ranging and wide-sweeping generalisations.

*(Mr Speaker in the Chair)*

Let me lay out just a few of the facts. On Saturday 13 June 1981, Sammy Brush was doing his rounds as a postman. Fortuitously, under his jacket and shirt, he was wearing light body armour. At around 1.00 pm, he arrived to deliver a letter at the home of Mrs Mary McGarvey, who, along with her sister, had been held at gunpoint from 6.00 am by two gunmen. He posted the letter and was turning to get back into his post van when a gunman appeared from the side of the house and, from a distance of 10 to 12 feet, fired two shots at him from a revolver. As the first shot hit, it drove the body armour into his chest. The second hit his right shoulder and then ricocheted into his body, passing through his lung and half an inch from his spine. He turned and ran up the laneway. A hail of gunfire followed him. He was shot twice more in his back, and four other bullets went through his Post Office jacket but missed his body.

Sammy attempted to draw his personal protection weapon with his right hand, but the shot to his shoulder prevented him from being able to pull his gun out of its holster. With his left hand, he managed to grasp his weapon and return fire. In spite of being badly injured and in spite of the stress and gravity of the moment, he succeeded in shooting one of his attackers. However, he knew that there was at least one other gunman pursuing him. Losing blood and in pain, Sammy knew that his life depended on being able to get into his van and drive clear of the ambush site. He successfully struggled back to his vehicle and managed to drive to Ballygawley police station, from where he was taken to the South Tyrone Hospital. Meanwhile, one of the gunmen, Gerry McGeough, was admitted to hospital in the Irish Republic with a gunshot injury. He later absconded from the hospital, and it was not until 2007 that he was arrested in connection with this attempted murder. The evidence against Gerry McGeough at the trial was overwhelming, and he was convicted of a number of offences, including the attempted murder of Sammy Brush.

As everyone in the House will know, I was opposed to the Belfast Agreement and in particular the arrangements relating to the early release of prisoners. I continue to regard it as an affront to the rule of law. The release after only two years of anyone found guilty of attempted murder offends every sense of right and wrong. However, that is not the issue before the Assembly today. It is the law that prisoners of that era only serve two years of their sentence, but now some of those who supported the Belfast Agreement argue for the law that it put in place to be set aside. Perpetrators, they say, are being victimised. The Sinn Féin leader of Dungannon council claimed that Gerry McGeough was being detained due to his political beliefs, seemingly ignorant of the fact that he is being detained because he was convicted of, among other things, the attempted murder of Sammy Brush. I was particularly disappointed by the comments of the leader of the SDLP, who on the BBC said:

*"Gerry McGeough has been victimised by the system. There is a degree of victimisation of prisoners, and we don't like it."*

So, in Alasdair McDonnell's world, it is Gerry McGeough, who, because he is being detained for two Christmases, is being victimised and not Sammy Brush, who, if Gerry McGeough had got his way, would have missed the last 30 Christmases.

Today, we will each decide who the real victim is. Is it Gerry McGeough, a bloody and evil terrorist, who, with murder on his mind and in his heart, sought in a cowardly fashion to take the life of a public servant? Or is it Sammy Brush, who, while doing his job and serving a rural community, was shot twice in the back, once in the chest and again in the shoulder, spent weeks in hospital and still receives treatment and medication to this day? Might I add that, as a result of the outrageous and hurtful actions of some of his fellow Dungannon councillors, he has had to have his medication doubled?

The motion that I have moved asks each of us to choose between the victim and perpetrator. Sammy Brush is in the Gallery to see the verdict of the Members of the Assembly. For my part, I will stand with Sammy Brush. To me, he is not just a victim; he is a hero.

**4.30 pm**

**Mr Elliott:** I beg to move the following amendment:

*After "qualification, to" insert*

*"all elected representatives and their families who have been targeted by paramilitaries throughout the Troubles, including".*

First, I pass on my sympathy to the family of the murdered prison officer, David Black. His murder was a despicable act and has thrown this Province back years in its attempts to move forward. Along with that murder, the motion brings a lot of issues back to us. I commend the Members who tabled the motion and secured the debate in the Chamber. I hope that there is general agreement on it and that, as the First Minister said in his capacity as leader of the DUP, Members define the difference between the victim and the perpetrator and identify who the victim is and who the perpetrator is.

Mr Robinson outlined very clearly the attempted murder of Mr Sammy Brush and the issues that followed that. It is disgraceful that people want the person who was charged with that offence to be released from prison. Just today, we have heard about a protest in Belfast organised by Sinn Féin for the release of Mr Pádraic Wilson. When will these people learn and accept the rule of law? I thought that we had moved on, ladies and gentlemen, and progressed in this society, rather than wanting to bring back the dark old days when we had the murder attempts that we are debating and

discussing today, such as that on Mr Sammy Brush. I agree that Mr Brush is a hero, but he and his family are also victims. Please do not try to tell me that Mr McGeough and those who carried out that act and many similar acts throughout Northern Ireland are victims: to me, they are not.

Yes, the Ulster Unionist Party has put down an amendment, but Mr Brush is still the central aspect of the motion. We have not removed any aspect of that motion, but we wanted to widen the issue to those public representatives. Mr Brush was serving his community in two aspects: as a postman and as a member of the Ulster Defence Regiment. He was doing his best for the security of everyone in Northern Ireland and everyone who lived in his immediate area. Many more people were in similar circumstances. Indeed, some did not have any connection with the security forces but were still brutally murdered or faced attempted murder by the IRA. I want to point out one in particular, Mr Charles Armstrong of Armagh, who was the Ulster Unionist chairman of Armagh District Council as well as a part-time major in the UDR. It disturbs me greatly that, following that murder, the Sinn Féin president, Mr Gerry Adams, said that killing UDR members was:

*"perfectly legitimate in a state of war."*

Asked about his own willingness to kill police or soldiers, he said:

*"If my role lay within the IRA and within an armed struggle I would have no compunction at all."*

That, to me, ladies and gentlemen, says a lot for the community that we have lived in. It says a lot for those who are now public representatives and for those who still fail to condemn, criticise and say that all murder was wrong. You cannot cherry-pick. Murder is murder; it was either right or wrong. Attempted murder is either right or wrong, and, to me, the murder of Charles Armstrong and the attempted murder of Sammy Brush were wrong. The people on the opposite Benches should say that and should say that the people who committed those offences should not be released early from jail. They should not be campaigning now for their release.

We can recall many other instances, including the time when a former Speaker of the House, Sir Norman Stronge, and his son were brutally murdered by the IRA, which said that the Stronges had been chosen as the symbols of "hated unionism". Why should there be hated

unionism? Why should hated unionism bring about the murder or attempted murder of well-respected people who were doing all that they could for this society and all that they could to help Northern Ireland and its citizens? I call today for the Members on the opposite Benches to drop any call for Gerry McGeough and Padraic Wilson to be released. Let the due process of law take its proper course. That is what we are here for, and that is what everyone should accept. You cannot cherry-pick; you cannot say that you want some people to be locked up and others not. I believe that we have an opportunity out of this to move on. There is a challenge to those on the Benches opposite to accept that, and we are putting down that challenge.

Let us not forget all those who were murdered, whether they were in public service or otherwise. Murder is murder, and those who were murdered and those who were targets of attempted murder are all victims and should be treated as such. They should get the proper respect that they deserve. Those who went out to commit that murder — the perpetrators — should not be treated as victims. I want to hear the people on the Benches opposite accept that. I want to hear them say that the attempted murder of Sammy Brush was wrong. I want to hear them say that all the murders and killings throughout the last number of decades were wrong. We are coming up to the twenty-fifth anniversary of the Enniskillen bomb, and I want to hear the people on the Benches opposite say that that was wrong and those people should not have died. They should not have been targeted or killed, and no lame excuses should have been made by the IRA and their comrades to try to justify it, because that, too, is equally wrong.

So, ladies and gentlemen, we have the opportunity today not only to support Sammy Brush — I wholeheartedly support Sammy — but to support all the other victims of terrorism, all the victims who were killed and, I have to say, injured. Many who were injured in the Troubles believe that they are forgotten. They believe that they have been forgotten by a society that has moved on. Just as the murder last week of David Black was wrong, so were all the other murders and attempted murders in the Province.

**Mr Mitchel McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I apologise to the First Minister. Due to my attendance at another meeting, the fairly sharp beginning to this debate caught me by surprise. I caught Mr Elliott's comments in their entirety.

Today and last week in a similar discussion, we heard at length about the additional hurt and stress caused to Mr Sammy Brush by the motion that was presented to the local council by my party colleagues. I took the trouble to speak to those individuals, just to ascertain what exactly was said and how they had presented the motion. They made it clear to me that their opening remarks were addressed to Mr Brush. They made it clear that they were addressing an issue, as they saw it, of injustice, and they in no way at all wished to cause him any additional stress or anxiety. That was the opening statement of the debate that ensued, and Mr Brush himself, I understand, made a fairly rigorous contribution to that debate.

As I said, my colleagues said that they wished to draw attention to a fairly flagrant and systematic abuse of due process. We hear that language used occasionally by people on the Benches opposite. In this case, we are talking about individuals who were granted bail by the courts but were further incarcerated on the basis of secret briefings. Is that what we mean by due process?

In the case of Gerry McGeough, while it is complex, it is much more straightforward. In terms of our recent history and, indeed, the history of the process that has brought us all to this place, it has not been disputed that Gerry McGeough is a "qualifying person" under the terms of the Weston Park agreement, which dealt with the very difficult issue of what became known as the on-the-runs. Every MLA and every party in the Assembly is bound by those incremental agreements dating from the Good Friday Agreement to the present, whether they supported them in those discussions or not. We are charged with delivering, respecting and reflecting the outcomes.

I speak in the full knowledge that, as an individual, Gerry McGeough is opposed to my party, and he stood as an independent republican candidate against us in the elections in 2007. However, it is also a matter of record that, long before he was arrested or rearrested, he made clear his support for the peace process. He made it clear that his war was over and that we were in a post-conflict scenario. So, his entitlement under the Weston Park agreement was quite flagrantly set aside, despite the fact that it was a formal agreement between the parties and those negotiating parties. This morning, again, we made reference —

**Mr Humphrey:** I am grateful to the Member for giving way. Will he advise the House when the

legislation that he talked about at Weston Park actually became the statute for the on-the-runs?

**Mr Speaker:** The Member has a minute added to his time.

**Mr Mitchel McLaughlin:** Thank you very much. The Member has obviously misheard me. I did not say "legislation"; I said "agreement". *[Interruption.]* OK, the record will be there. It was an agreement, unless you are going to deny that that was the case. I made reference to the fact that, whether parties or individual MLAs supported those agreements, we are bound by the outcomes.

Mr Elliott referred to the rule of law. However, if we listen to the proposition, it is clear that there is a completely one-sided approach to the issue. I ask Members this question in all sincerity: where is the evidence of, if you like, an unbiased or a balanced application of the rule of law? Where are the cases involving members of the British Army who were involved in murder, as we saw on Bloody Sunday, as we know, and the Ballymurphy case? Where is the evidence of those in the RUC or the UDR who colluded with unionist death squads? How many of them were in front of the court? Is that the situation that they described? Do we have the rule of law, or is the rule of law also set aside?

In the motion and the amendment, there is no acknowledgement of the hurt on every side of the House. There is no acknowledgement of the injustice, the pain and the trauma that was imposed on people right across our community by all those who were combatants in our conflict. We really have to address the fact that that conflict has effectively been over for approaching 20 years now. Yet, people are being charged over issues that are 30 years old and people are being ignored. I include here the statement made by the British Prime Minister in the House of Commons when he was dealing with the Bloody Sunday inquiry. He addressed the issue and said that it was indefensible, but he did not address the issue of those who carried out the killings on that day. Even yet, even today as we speak, that still has not been addressed. If people are interested in due process, if people are sincerely interested in the rule of law, then make sure that it applies equally, without favour, right across the board.

**Mr A Maginness:** The SDLP has never sided with would-be murderers or with murderers. The SDLP has always taken the position that it will apply the principles of justice to any case. In Mr McGeough's case, we believe that there



are complex legal issues that should be addressed. Indeed, at this time, the legal process in relation to Mr McGeough's case has not been exhausted. My understanding is that there will be an appeal to the Supreme Court. Currently, our courts have dealt with those issues and have rejected the arguments that have been put forward. In essence, what Mr McGeough and his legal advisers are saying is that he was dealt with in an arbitrary and capricious manner in relation to the exercise of the royal prerogative of mercy.

Mr McGeough spent many years in prison abroad. However, under the terms of the Good Friday Agreement and under the terms of the legislation, that is not taken into consideration in relation to remission, as far as offences are concerned.

If you serve a sentence in Britain, in the Irish Republic or in Northern Ireland, all would be taken into consideration, and remission would be given. That is the essence of Mr McGeough's case.

**4.45 pm**

**Lord Morrow:** Will Mr Maginness give way?

**Mr A Maginness:** I will indeed, Lord Morrow.

**Lord Morrow:** I did not support the Belfast Agreement, but even it said that those who were convicted would have to spend time in prison, namely two years. I do not agree with that. Therefore, does Mr Maginness not accept that Mr McGeough should be where he is today — in prison?

**Mr Speaker:** The Member has a minute added to his time.

**Mr A Maginness:** I am grateful, Mr Speaker. Within the context of the Good Friday Agreement there have been anomalies. *[Interruption.]* Just look at the jurisprudence. There have been anomalies, and they have been remedied by the exercise of the royal prerogative of mercy. There were four comparators, and a number of different cases within those comparators were cited in the courts in relation to the McGeough case. In each of those cases, the royal prerogative was exercised to the benefit of those who were convicted of offences to iron out anomalies. In essence, Mr McGeough was saying that there was an anomaly in his case and that, therefore, he comes within the terms and the spirit of the Good Friday Agreement and that he should be given the relief under the Good Friday

Agreement. That relief was barred by the fact that his terms of imprisonment were not served either in the Republic or in the United Kingdom. That is the essence of the case.

Some of you have presented this case as simply black and white. It is not simply black and white. There are complex legal issues here, and it behoves anybody who is committed to justice to see through to the end and to try to determine what is right and proper in this case. We have every sympathy with Councillor Brush. *[Interruption.]* He suffered a horrific attack from which he still suffers. Indeed, SDLP councillor Patsy Daly said that he did not feel that the motion should have come before the council but that he had to support it. The fact is that, throughout its history, the SDLP has had to stand by the principles of justice. We opposed internment, we opposed torture, we opposed the abuse of trials, we opposed the bending of the law, but we did not falter in our opposition to political violence or terrorism. We were adamant that violence had no place in society. That, Mr Speaker, is the SDLP's position.

**A Member:** Will the Member give way?

**Mr A Maginness:** I am sorry; I cannot. I am running out of time.

It is not a black-and-white situation. This is a complex legal situation, and, in the circumstances, it is right and proper that our councillors support a position where Mr McGeough should have been supported and, indeed, Marian Price and Martin Corry, both of whom, in our view, have been interned without trial. I think that that is very wrong, and the SDLP is very right to support their release.

**Mr Lunn:** I rise to support the motion. I do not know Mr Brush. I gather that he is here today. I am very pleased to hear that. I see him now. I hope that I have the opportunity to shake hands with him before we go home, because, as far as I am concerned, he has, for a start, displayed qualities at which some of us can only marvel. He displayed terrific commitment and bravery by being a postman while he was a serving member of the UDR, because a job like that exposes someone on a daily basis, around a regular run, to any kind of attack. That is exactly what happened to him. He also displayed considerable heroism in his reaction to that attack. We have heard graphically from Mr Robinson the details of what happened on the day.

Later in his life, he displayed considerable generosity of spirit. His reaction to what is,

effectively, a two-year sentence for Mr McGeough was to his credit. He actually said, "Well, that is the agreement that we signed up to and we have to live with it." He displayed his social commitment further by becoming a councillor; a position that he still holds. I would contrast that with the attitude or, perhaps, attributes of Mr McGeough, who has made a career out of attempted murder, gunrunning, trying to purchase surface-to-air missiles, and extreme republicanism that, I gather, is even too much for Sinn Féin.

As regards the actions of Dungannon and South Tyrone Borough Council, Mitchel McLaughlin and Alban Maginness have done their best to excuse what happened there a few weeks ago. However, you cannot justify the unjustifiable. The motion was completely hurtful and insensitive. To propose a motion like that when the man involved was sitting in the Chamber, even if it is 30 years later, is an absolute disgrace. It cannot be defended.

I am particularly surprised at the SDLP. It is the party that shares most of our values in support for the Good Friday Agreement, respect for the rule of law, support for the courts and the judiciary, and opposition to violence for political ends. How can that party reconcile that record, for which I give it credit, with trying to support the case for Gerry McGeough? I have heard the legal and historical arguments. Frankly, it just does not wash. Mr McGeough is guilty of attempted murder. He is a lucky man — under the terms of the agreement, he will serve only two years instead of 10 or 20 years.

I noticed on the SDLP website that, on 21 May, Mr Ramsey, Mr Maginness and their party leader went to see the Secretary of State to present a petition on behalf of Gerry McGeough and to try to obtain the release of Marian Price. Why on earth they would want to equate those two situations is quite beyond me. In the case of Marian Price — Marian McGlinchey — I have some sympathy because the lady has been locked away for a year and a half now and we really do not know on what grounds. I am sorry, but to equate that with the case of someone who is, rightly, in jail for attempted murder makes no sense to me at all.

As far as the Ulster Unionist Party's amendment is concerned, frankly, my party feels the same as the DUP in that there is no need for it. It dilutes the original motion, which is targeted specifically to one set of circumstances. Therefore, we would prefer not to support it. Perhaps, as the motion does, it points us in the direction of needing to provide a means to deal with victims' needs, those whom Mr Elliott

referred to as the forgotten victims, and the past. I hope that we can, at some point, return to that thorny issue once again. In the meantime, my party supports the motion.

**Lord Morrow:** One thing is coming across quite clearly in the debate this afternoon. Sadly, it is that there will be no leadership from the SDLP on this important issue. Indeed, I challenge that party and ask it where their leader is and why, when he was in the Chamber earlier, he could not be here for this important debate. It is scandalous when you listen to some of the stuff that is coming from the ranks of the SDLP. Indeed, as my colleague up the line said, this seems to be a battle of who can be the greenest of them all. Today, the SDLP should be giving leadership to its community and electorate by saying, "As far as we are concerned, we stand clearly on the side of the victim. There is no ambiguity about it whatsoever, that is where we stand." Unfortunately, however, that is not the message coming across here today, which is regrettable. I think that the SDLP would do well to take another look at itself to see exactly where it stands on issues such as this.

It is most regrettable and a sad day when a motion such as this has to be debated in the Assembly Chamber, because we all thought that we had moved on and that the lines had been drawn in the sand. We also thought that even those who oppose us politically could see that there is an issue here and that we must be on the side of the victim. There is no need to be dubious about it. I congratulate Trevor Lunn on his speech, because he was quite precise. There is no ambiguity today about where Trevor Lunn stands: he clearly stands four-square on the side of the victim, and he is to be congratulated on that. The SDLP and Sinn Féin have taken up the case of Marian Price and Gerry McGeough, and only they can explain to the electorate at large why they feel compelled to do that.

I have been on Dungannon council for longer than I care to remember. Indeed, I have been a member for almost 40 years. I know that I do not look that age but, there you go, that is the way things are. I have been in debates on that council during the worst excesses of the Troubles. I can recall vividly the hunger strike and the signing of the Anglo-Irish Agreement. Indeed, Dungannon and Dungannon council were central to what was then known as the murder triangle. That clearly illustrates where people had to live and the issues that they had to contend with. However, I cannot recall a more insulting, infuriating or hurtful motion ever coming before that council in all those years. It

was repulsive and despicable to say the least. The sad aspect of it was this: the motion was brought by Sinn Féin, which must have known that it could pull the SDLP in behind it to support it. The SDLP should have been giving leadership that evening; instead, it fell in line with the Sinn Féin motion.

**Mr I McCrea:** I thank the Member for giving way. He referred to the SDLP in Dungannon falling in behind Sinn Féin on that motion. Does the Member then find it difficult, as I do, to understand why the SDLP councillors in Magherafelt found the motion to be nothing other than a political stunt and abstained from supporting it? Does the Member understand that position?

**Mr Speaker:** A minute has been added to the Member's time.

**Lord Morrow:** The point is well made by my colleague Ian McCrea. Perhaps Councillor Campbell — I think that is who it was — is giving more leadership to the SDLP electorate than the leadership itself. I suspect that if Mr Campbell put his name forward for the leadership at the party's next conference, he might just topple the existing leader, because at least he has some ingenuity. He could see the deviousness of the stunt that was unfolding before him, and he was not prepared to fall in line. Full marks to him, because he was not prepared to fall in line.

**Mr McGlone:** Will the Member give way?

**Lord Morrow:** Right, come on. Let us hear what you have to say.

**Mr McGlone:** I thank the Member for giving way. First, I need to clarify this completely: our group on Magherafelt District Council put forward its own all-embracing amendment, which took in the rights of victims. However, that was rejected by Sinn Féin and, indeed, by your party and the Ulster Unionists. Secondly, that was done in close co-operation with our party leader. I need to put that firmly on the record.

**Lord Morrow:** I heard what the Member said but, as my colleagues remind me, the policy has obviously changed.

**5.00 pm**

I want the House to grasp and understand what was happening on that evening, and I know that my party leader explained it and explained it

very well. Councillor Brush was sitting in the council chamber. Remember, Councillor Brush has fought for his life in a hospital ward as a result of Gerry McGeough's actions. Gerry McGeough is where he should be, and were it not for the Belfast Agreement, he would be there for a 20-year period. Today, however, we have the SDLP, along with Sinn Féin, campaigning for his release.

**Mr Speaker:** The Member's time is almost gone.

**Lord Morrow:** Thank you, Mr Speaker. Let me say this: can the Members here today fully understand how they would comprehend such a debate if they were sitting there and if they were the victims of IRA terrorism?

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Beidh mé ag labhairt in éadan an rúin agus in éadan an leasaithe. Thank you very much, a Cheann Comhairle. I will be speaking against the motion and the amendment.

For the record, I want to read out the actual motion that was debated in Dungannon and South Tyrone Borough Council and, indeed, in many other councils across the North:

*"This Council calls for the immediate release of Marion Price, Martin Corey and Gerry McGeough. Everyone is entitled to due process. Both Martin Corey and Marion Price have been denied this. Their continued detention without trial is an infringement of their human rights and clearly undermines the justice system."*

*[Interruption.]*

**Mr Speaker:** Order. The Member has the Floor.

**Mr McCartney:** Are they all finished, Mr Speaker? *[Interruption.]*

**Mr Speaker:** Order.

**Mr McCartney:** OK. That motion continued:

*"Their imprisonment is unjust and is in defiance" —*

**Mrs Foster:** Will the Member give way?

**Mr McCartney:** I note the Minister will contribute later, so she will have plenty of time to speak.

*"Their imprisonment is unjust and is in defiance of rulings by the courts in both cases. Both have been granted bail by the courts and yet remain in prison. The arrest and continuing detention of Gerry McGeough represents a flagrant breach by the British Government of its commitments in the Weston Park Agreement with respect to OTRs."*

I will translate that as "on-the-runs". The motion finished:

*"All three should be released immediately."*

In my opinion, these are issues that need to be addressed. Therefore, as public representatives of Sinn Féin, we have no fear about doing that, and we do so without prejudice. Marian Price and Martin Corey are now held on the strength of the revocation of a life sentence licence. Since those were introduced in the late 1980s, which is the best part of 30-odd years, we have consistently argued that they are unjust, a breach of due process and do not allow the person to challenge the "evidence" that is presented against them. In our opinion, that is against the spirit of natural justice and, therefore, against the rule of law. That is why we stand in opposition to them and why we stand to expose and, if you like, highlight those types of injustices.

It is the same for Gerry McGeough. When Mitchel McLaughlin, who is our spokesperson on victims, was speaking here today, he outlined that he took the time to contact the councillors who took part in the debates to reassure himself, before he would say it here today, that this was dealt with in a sensitive manner. We accept that this is a complex matter. It affects Mr Brush individually — *[Interruption.]*

**Mr Speaker:** Order.

**Mr McCartney:** It obviously affects Mr Brush personally. However, this is an issue that needs to be raised, and you cannot do that in silence. You have to speak out, and if you think that something is wrong, you stand up and say it.

I notice that Mr Elliott is no longer here. He spoke about the rule of law and challenged Sinn Féin about standing up today and saying that, in our opinion, Padraic Wilson should be released from prison. The idea and concept that the rule of law is absolute and cannot be challenged is wrong. The rule of law can be

abused, and we have seen it being abused. If people did not stand up, there would be many people in prison today, including the Birmingham six and the Guildford four. I ask my colleagues on the other side of the House how many of them have campaigned for the UDR four. In my opinion, they would have done so quite rightly, because in their opinion —

**Mr Allister:** Will the Member give way?

**Mr McCartney:** Yes.

**Mr Allister:** Does the Member not recognise that the very essence of the rule of law is the due process that gave rise to the ultimate acquittals in the other cases that the Member referred to? In the McGeough case, however, due process led to due conviction and a due sentence — the very antithesis of what he is talking about. The Member is clinging to his own definition of the rule of law, which is utterly false. The rule of law means the same thing to all people. It is due process of law, to which the Member's party is supposedly committed.

**Mr Speaker:** The Member has a minute added to his time.

**Mr McCartney:** I am not sure when the Member left the party opposite, but we are raising the issue because it was agreed at Weston Park. Mitchel McLaughlin said — *[Interruption.]*

**Mr Speaker:** Order. The Member has the Floor.

**Mr McCartney:** — that there were subsequent opportunities for people to oppose this. It was not opposed. That is why we are raising it today.

I go back to the concept of the rule of law. If we want to take it out of the politics of Ireland, we can. Many people made the point about what happened at Hillsborough. Families were dismissed and told that due process took place and that the rule of law had been upheld. What turned out to have happened? Due process was not followed. There were corrupt practices in police services right across the board. The notion that you cannot interfere with due process and cannot challenge the rule of law is a false premise. Perhaps we have lessons to learn from Hillsborough, particularly when we are charged with ensuring that whatever we do is part of due process, accountability and scrutiny. We cannot afford to say, "We never raised our voice in opposition to something that we felt was wrong because we might have been

accused of not following the rule of law." That is bogus and false. Go raibh míle maith agat.

**Mrs Foster:** On a point of order, Mr Speaker. The Member finished his contribution in Irish, and there was no translation.

**Mr Speaker:** Order. Members will know that the ruling is clear: whatever language that Members want to speak, they should then translate it, as far as possible, into English. If the Member wants to —

**Mr McCartney:** On a point of order: thank you.

**Mr Irwin:** I am appreciative to my colleagues for tabling the motion. It is an opportunity to put on public record our support for Councillor Brush, who is here today. That support is very appropriate, given the recent hurt that our esteemed friend and councillor colleague has had to endure. Councillor Brush represents what is good about the human spirit. He not only worked for the Royal Mail, delivering post and being an important and trusted member of the community, but served as a member of the Ulster Defence Regiment, serving our country through some of the darkest days of the Troubles. That, undoubtedly, carried great risk for Sammy Brush. The fact that he has come through an attempted murder and has gone on to enter service as a public representative shows that he is a genuine and hard-working individual who has the community's well-being at heart.

Councillor Brush has had to endure many attacks on his character and property since that day in June 1981. However, I am sure that he did not expect to have such a hurtful attack made against him in Dungannon council chamber. The effect of the attack on our colleague has been profound. He has gone on record to speak of the hurt that it has caused him. Indeed, it has impacted further on his health. That is a shocking state of affairs considering that this has emanated from within the democratic structures of the local council. It is no surprise that Sinn Féin would attempt to raise such a motion in the council. However, should such a hurtful motion even have had the courtesy of a hearing? I feel not. The fact that the SDLP supported the motion strikes a new low for the party. The SDLP representatives here today owe a collective apology to Councillor Brush for the conduct of their councillor colleagues in support of the motion in Dungannon council.

Let us make no mistake about it: Gerry McGeough deserves to be in prison. Two

horses cannot be ridden on the issue. However, not for the first time, nationalists attempt to do just that. Their warped sense of equality is exposed as just that: warped and fanciful. What is really unjust and despicable is the fact that Councillor Brush was in the very chamber when the motion was tabled, with not one Sinn Féin or SDLP councillor even acknowledging the fact. How hurtful and reprehensible. The motion today points to the glaring irregularity of elected councillors serving on a local council siding with would-be murderers rather than supporting an innocent, dutiful public servant. That is a shocking state of affairs. After the past few days, in which dissident terrorists have taken yet another innocent life, now is the time for the SDLP and Sinn Féin to say where they stand. The choice could not be more stark: either you denounce violence and all that goes with it and support the rule of law or you do not. I support the motion and stand fully behind Councillor Brush and his —

**Mr Poots:** Will the Member give way?

**Mr Irwin:** I will; yes.

**Mr Poots:** Does the Member realise that it is not just the SDLP and Sinn Féin who have given succour to the convicted murderer? Éamon Ó Cuív has been up to visit Mr McGeough in prison three times. I know that he has not bothered to come and see Sammy Brush and hear about the pain that he suffers with the bullets that he carried as a result of Mr McGeough's activity. I am sure that the Member will find it equally reprehensible that the dissident Fianna Fáiler is lining up with dissident republicans, the SDLP and Sinn Féin. It was a despicable act on his part as it was a despicable action by the parties opposite on a law-abiding citizen in support of a convicted murderer.

**Mr Speaker:** The Member has a minute added to his time.

**Mr Irwin:** I thank the Member for his intervention, and I fully agree with it.

I support the motion and stand fully behind Sammy Brush. As a councillor serving in Armagh City and District Council, I pass on the thoughts of my DUP colleagues on that council.

**Mr Hussey:** As Councillor Brush, at the time of the incident, was a serving member of the Ulster Defence Regiment, I will begin by declaring an interest, in that my mother, father and sister all served with the Ulster Defence

Regiment, and I, of course, had the honour to serve as a part-time member of the Royal Ulster Constabulary.

The attempt on the life of any part-time member of the security forces was reprehensible. Part-time members of the security forces were vulnerable because of the fact that they normally had to follow a routine. This week, such a routine was identified and ruthlessly followed through by terrorists. Hundreds of part-time members of the security forces were murdered in their homes, their places of work or while travelling to their places of work. As we discuss this issue, it is ironic that the terror tactic that was used to murder David Black — targeting someone who was on their way to work — was well-honed by the Provisional IRA.

No one in the House supports the attack on Mr Black, and it has been condemned rightly by all parties in the House. Anyone who feels that they can attack, with impunity, any member of society, whether they are a member of the Prison Service, Her Majesty's forces, the PSNI or a civilian ought to realise by now that they do not have the support of any democrat. At this time, I also pass our deepest sympathy to the McKay family on their loss.

With that principle clearly established, I move to the specific case of Councillor Sammy Brush, who I welcome to the Chamber today. He is a former Ulster Unionist councillor and is now a DUP councillor in Dungannon and South Tyrone Borough Council. Councillor Brush had to sit through a council meeting at which his council colleagues from the SDLP and Sinn Féin supported a motion calling for the release of Gerry McGeough, who had attempted to murder him in 1981 while he worked with Royal Mail.

I want to pay tribute to the bravery of Councillor Brush, who, at the time, was a part-time member of the Ulster Defence Regiment. When he came under attack, he had the courage to defend himself. In the process, he managed to scare off the cowards who had come to murder him and he injured McGeough. McGeough went on the run as cowards do. He was eventually brought to justice and sentenced to 20 years' imprisonment, and rightly so.

McGeough has had the nerve to apply for the royal prerogative of mercy. What mercy did he or his partners in crime show to Councillor Brush? Absolutely none. If they had had their way, Councillor Brush would have been dead and would have been one of those whom we remember on Remembrance Day.

All political representatives should be able to represent their constituents without the shadow of the gunman in the background, and everyone in Northern Ireland should be able to go about their daily life without that shadow. No political party that claims to be democratic can support terrorism, and no political party can afford to support the release of someone who cold-bloodedly attempted to murder a fellow politician. How can you sit beside someone, look them in the eye and say, "I want the man who attempted to murder you released as an act of mercy"? Has McGeough paid his debt to society? Certainly not.

My unreserved support goes to Councillor Brush, his family and the families of those other politicians who have suffered at the hands of terrorists over the years. I include in that those who were brutally murdered, such as Edgar Graham; Roy Bradford MP; Norman Stronge, the former Speaker of the Northern Ireland Parliament, and his son James; the former councillor, Joe Gaston, who was attacked by terrorists in December 1977; and my colleague Councillor Harold Andrews, who, on 1 April 2012, had a bomb left in a lane way near his home.

"They haven't gone away, you know", was a famous comment from Gerry Adams, TD for Louth and former Member of the House. For so-called democrats to treat a fellow councillor in this fashion brings shame on them and their council.

I also want to refer to some of Mr McCartney's comments on the proposal that was put to the council. "Human rights" are the favourite words of certain Members. The most basic human right is the right to life. Councillor Brush had the right to life, but somebody by the name of McGeough wanted to remove that right. He has the right now to go to jail and to pay for his crime.

The pen that I am holding today has "Victim Support" printed on it. That is the man there whom we have to support. We have to support politicians who have put their lives on the line. Human rights are not something that people can choose to use today to defend the likes of McGeough.

**5.15 pm**

**Mr Speaker:** The Member's time is up.

**Mr Hussey:** McGeough is in prison, and he should rot in prison. I support the amendment.

**Mr P Ramsey:** I welcome the motion. First, I express my disgust at the murder of prison officer David Black who was gunned down on his way to work last Thursday morning. That cannot be justified by anyone in any way. It is simply callous, cold-blooded murder, and I send my personal and party condolences to Mr Black's family and friends. Make no mistake about it: those who perpetrated that terrible crime have acted against the wishes and will of everyone in the House, the people whom we represent and the people of this island.

Issues involving prisons and prison officers have a long and tense history. In the past, action against prisoners or prison staff served only to heighten tensions and act against all the efforts that we are making on reform of the prison system. I call on all in this region to have cool heads over the coming weeks as we in the House stand united against violence.

The SDLP was born out of civil rights for all, and we hold strong to those ideals today. I take grave exception to some points made by my colleagues across the Floor. We were born out of non-violence and opposition to violence in all its forms.

**Mr Kennedy:** I am grateful to the Member for giving way. As he waxes lyrical on the SDLP's record, I am interested in his response to an interview given by Martin McGuinness, now the deputy First Minister, about his previous activities — one presumes his previous activities — to 'Inside Politics', which was broadcast last Friday night. McGuinness said:

*"We also had a situation in Derry at the time where IRA people who were on the run were actually sleeping in SDLP supporters' houses. I did so myself on quite a number of occasions."*

How does Mr Ramsey, on behalf of the SDLP, react to that? *[Interruption.]*

**Mr Speaker:** Order. The Member has a minute added on to his time.

**Mr P Ramsey:** I have been a member of the SDLP for over 30 years, and in the context of what Danny Kennedy has said, under no circumstances would people whom I know to have been in the SDLP in Derry have been associated with or helped to support violence. *[Interruption.]* We stand united with those against whom violence has been used. All victims can be confident today, as they always have been, that the SDLP does not distinguish between victims. All victims of the conflict must

be treated with equality, dignity, respect and transparency. As the motion states, I extend my and my party's unequivocal support to all victims, to those who have been made victims as a result of the conflict, whether at the hands of paramilitaries, state agents or the British Army. Our party, as architects of the Good Friday Agreement, has enshrined in the ethos of the political structures that all victims will not be forgotten. A comprehensive victims strategy must be brought forward to complement and direct those efforts. The lack of clarity from former paramilitaries, the British Government and its agents continues to cause hurt and suffering for those same families and victims who seek the truth about the past. Contrary to what some Members have said here, we are committed, as we always have been, to ensuring that those difficult steps are taken to ensure that they receive the truth that they so truly deserve.

**Mrs D Kelly:** I thank the Member for giving way. It is difficult, today above all days, to hear so much anger and bile pushed out. As my colleague rightly said, the SDLP stood against violence. Some of our own party members were murdered, and some continue to be attacked. Is it not the case, Mr Ramsey, that dealing with the past and setting forth a strategy to do so remains within the gift of OFMDFM — *[Interruption.]*

**Mr Speaker:** Order.

**Mrs D Kelly:** — and that some people in the House speak through both sides of their mouth? The SDLP was not involved in paramilitarism or, indeed, Ulster Resistance.

**Mr P Ramsey:** I thank the Member for her intervention. Dolores is very clear — as we on this side are always clear — about where we stood when it came to violence across Northern Ireland — *[Interruption.]*

**Mr Speaker:** Order

**Mr P Ramsey:** Although, for the record, Mr Speaker, it needs to be stated that Mr McGeough is and has always been a supporter of the Good Friday Agreement. His complex — *[Interruption.]*

**Mr Speaker:** Order.

**Mr P Ramsey:** His complex legal cases —

**Lord Morrow:** That makes it OK?

**Mr Speaker:** Order.

**Mr P Ramsey:** — and appeals are still under consideration. I do not wish to interfere with those, and I do not think that anybody else would either. That having been said, it is clear that Gerry McGeough is not being treated under the same release scheme afforded to prisoners in 1998-99. Then, it took a matter of months, sometimes weeks, to process hundreds of applications by republican and loyalist prisoners for early release following the Good Friday Agreement. For many, that was a bitter pill to swallow, but the releases contributed immensely to the peace process that we have now —

**Mr Speaker:** The Member's time has almost gone

**Mr P Ramsey:** We in the SDLP will be supporting the amendment and the substantive motion.

**Mr G Robinson:** It is with pleasure and sadness that I speak in this debate, brought by my DUP colleagues, to pay tribute not only to Councillor Sammy Brush but to all part-time members of the security forces who served our country during what is known as the Troubles. Sammy Brush was one of the brave men and women who worked full time to support their families and who then, after finishing their day's work, bravely put on their uniforms to defend their communities as part-time members of the RUC or the UDR. That group of dedicated men and women faced a disproportionately high level of attack, which resulted, at times, in death and injury, as they were easy targets as they went about their daily lives.

Recently, a motion was passed by Dungannon council supporting the release from prison of the man who tried to murder Councillor Brush. That raises serious questions about those Dungannon councillors who supported the motion to have McGeough released. Councillor Brush is one of the unsung heroes of the dark 30 to 40 years of terrorism that Northern Ireland came through. Yet, some want to glorify the man who would happily have murdered Councillor Sammy Brush. Lest any Member be in any doubt: the only person who deserves support is Councillor Brush. Gerry McGeough, who hid behind bushes to try to kill Sammy Brush, deserves to be where he is today — behind bars, hopefully for a very long time. The Assembly must stand behind the victims of terrorism. I, without hesitation, express revulsion at those who would support such heinous acts of attempted or actual murder.

Today is a test for the parties on the Benches opposite. They will have to demonstrate to the world their commitment to a peaceful future for a Northern Ireland where victim takes priority over criminal. I, therefore, urge all Members to support the motion and to send a further signal, particularly in light of last week's tragic events, that there is unanimity of purpose in supporting victims of terrorism and to show that the revulsion expressed last week and this week is sincere. I

in conclusion, I pass my best wishes to my DUP colleague Sammy Brush and his family.

**Mr Bell:** Sammy Brush has shown leadership to everyone in the community, not only in his public service in the Ulster Defence Regiment but as a postman. Where would we be if we were talking today about a nurse, doctor, primary school teacher or any other public servant who was out there doing their job and was set up for a premeditated assassination? Today, the House has to make a choice. Is it on the side of the person who went in and held two sisters at gunpoint in their own home at 6.00 am while another terrorist assassin set themselves up to murder an innocent postman who was showing the highest level of bravery, courage and integrity?

It is an honour for anybody to have Sammy Brush as a colleague. He was an innocent man; a public servant doing a job for the whole community. Do we stand on the side of the victim or the side of the terrorist? It appears that, for some, there is no recognition that Sammy Brush had human rights, too. He had the right to life. He had the right to go about his day-to-day job without fear, and he had the right to live free from terrorist assassination. That right was deliberately, cruelly and with premeditation attacked by a terrorist, who then faced the full due process of the law and was convicted. It is time for the SDLP to move away from a morally incontinent position. Are you on the side of the terrorist who tried to kill an innocent public servant or are you on the side of the innocent public servant, a gentleman of the finest Christian integrity, who took in his body the bullets of terrorists? Which side do you stand on? Choose you this day which side you are going to serve, because there are no ifs or buts on that question.

I listened to some SDLP Members today referring to the McCartney murder and the shameful behaviour of Sinn Féin in relation to Padraic Wilson. They said that we should stand full-square behind the McCartney family and others, fearless in their determination to hold terrorists to account for their actions. The



exact same thing applies to the innocent Sammy Brush, and the best and strongest message to terrorism today would be if the SDLP were to step up to the plate and say that it values justice and will stand full-square behind Sammy Brush and his family, fearless in their determination to hold terrorists accountable for their actions. The SDLP did not just say that. It went on to say today that Sinn Féin's position is, on one hand, to call on people to provide information to the police but, on the other hand, not to do so when it relates to a Sinn Féin member. That is how shallow Sinn Féin's position is, and no one should buy into it.

I ask the SDLP today why it is buying into the Sinn Féin position, because there is no difference between the murder of Robert McCartney and the attempted murder of Sammy Brush. Do not be Sinn Féin-lite today in defence of an innocent man who was cruelly the subject of terrorism. The House has rightly asked for the real SDLP to stand up. Is it the SDLP on Magherafelt council, which, it would appear, had enough integrity to turn down the Sinn Féin tail attempting to wag the SDLP dog, or is it the SDLP on Dungannon council, where two of its members did not turn up to do their public duty that night? I am led to believe that the one member who did turn up said that he was going to vote that way but he did not want to do any harm. He already did harm, because there is independent medical verification from Mr Brush to show that he was re-victimised by what the SDLP did in connection to that. There was no difference between that attempted murder, murders that are being carried out today and those that happened 30 years ago. Stand today on the side of justice and do not allow the Sinn Féin tail to wag the SDLP dog.

**Mr Poots:** Will the Member give way?

**Mr Bell:** Yes, I will give way.

**Mr Poots:** Does the Member agree with me that Mr Brush has suffered considerable intimidation over the past 30 years, on top of the attempted murder? That intimidation, by those who skulk about in the darkness, has been compounded by what happened in Dungannon district council. Would anyone from the SDLP have the honour to stand up and say that it is wrong?

**5.30 pm**

**Mr Speaker:** The Member will have a minute added to his time.

**Mr Bell:** Where were the words of comfort today from Sinn Féin about the pain in the shoulder and lung of an innocent postman who was serving the entire community? We never heard that today, and we should have heard it from Sinn Féin.

Again, I challenge the SDLP.

**Mr Speaker:** The Member's time is almost up.

**Mr Bell:** Whereas once, it would appear, it allowed Sinn Féin to have safe houses, it should not today allow terrorists to have safe Benches.

**Mrs D Kelly:** On a point of order, Mr Speaker. Is it right that a quote from a Member of this House on a television programme should be given as factual information here? *[Interruption.]*

**Mr Speaker:** Order. Let us temper our language. I call Mr Allister. *[Laughter.]*

**Mr Allister:** I could not have put it better myself, Mr Speaker. *[Laughter.]* One of the things that always strikes me when I talk to victims of terrorism, so many of whom have been denied justice, is that they harbour a hope that, one day, some semblance of justice might be delivered to them and that, one day, they might see someone made amenable for the crime in which they became a victim.

Yet, when that happened in the case of Sammy Brush, and after a very protracted time, someone by due process of law was brought to justice — a very inadequate justice because of the sentence capable of being imposed, but a semblance of justice nonetheless — we then had this orchestrated campaign, led of course by the organisation to which the perpetrator belonged with the political affinity that he had at the time that he attempted to murder Mr Brush.

Of course he was a Provisional IRA member, but he was helped along, sadly, by the SDLP, a party that should know better, in Dungannon district council. The common thread between what both of them seem to be saying is that there is some spurious distinction between an offence for which there is conviction before 1998 and an offence, though committed before then, for which there is conviction after 1998. They seem to root that in something that they think they achieved some years ago in relation to on-the-runs.

I want to make it very clear: there is no distinction in law, nor can there be in practice, between the commission of murder before 1998

or after 1998 or conviction before 1998 or after 1998. They are still heinous crimes that require the visitation of sentence and retribution.

The notion that you can somehow pretend adherence to the rule of law but yet advocate that no one be made amenable to the rule of law for something that happened before 1998 is utterly preposterous. That is the proposition that has been emanating from Sinn Féin, and even, it would seem, the SDLP, who have been trying to say that there is something here that dilutes and tarnishes the rule of law in the case of the McGeough conviction.

Let us be very clear: Mr McGeough was convicted by due process of law. He has an appeal process and all of that at his disposal, and he stands today convicted, as others have been convicted, with no basis to distinguish him. Either you accept the outcome of due process or you do not. Sadly, it seems, there are some who wish to finesse it and refuse to accept it. In that, they are utterly, utterly wrong, and, particularly in the case of the SDLP, do their own cause utmost damage.

Sammy Brush has been rightly described in this Chamber as a very brave man; he is a gentleman whom many of us have the honour of knowing. What a contrast with the evil individual who sought to snuff out his life. Yet, sadly, it comes as no surprise tonight that Sinn Féin lines up in support of McGeough. The very day that he was arrested, Ms Gildernew was in the media protesting the arrest. From that moment, they have championed his cause. In championing that cause, they champion the cause of the attempted murder for which he was duly convicted. Not today and not ever have we heard a single syllable of condemnation of the attempt to murder Sammy Brush. There has not been one indication or recognition that it was wrong and criminal. Sadly, in the eyes of Sinn Féin Members, it was none of those things. In their perverse view of the rule of law, it was the right thing to do. Yet this is a party that is supposedly signed up to the support of the rule of law.

**Mr Speaker:** The Member's time is almost gone.

**Mr Allister:** Today shows us just what that support is worth.

I have to say this to the proposers of the motion: remember that these are your partners in government; this is what they really think and really do.

**Mr Nesbitt:** What happened to Sammy Brush was wrong. What is happening to Sammy Brush remains wrong. It is black and white. Therefore, we support the motion and congratulate the Democratic Unionist Party for bringing it forward.

I ask the DUP to note that, in our amendment, we did not delete a word of the motion. We did not change or amend a word as it applied to Sammy Brush. Every DUP Member will recognise that when a debate like this is seen and heard by the public, there will be those who were impacted on in other events of the Troubles — other victims and survivors — who will listen and think, "What about me?" We merely wish to acknowledge them. I hope that Mr Brush will accept our motivation in recognising all the other innocent victims, albeit tangentially, in our amendment.

The issue is whether we, as a House, have bought into the moral ambivalence to the extent that there is no right or wrong any more, that there is no black and white, and that there is no clear, unambiguous truth. The clear, unambiguous truth is that Sammy Brush is lucky to be alive. The issue is whether republicans accept the rule of law or accept the rule of law only when it suits them.

**Mr Mitchel McLaughlin:** I thank the Member for giving way. You refer again to the rule of law. Will you clarify whether your party's amendment refers to Councillor Bernard O'Hagan, who was murdered by loyalist paramilitaries led — this is established fact — by British Security Service personnel, and Councillor John Davey, who was murdered in similar circumstances? Does your amendment address that issue? It does not seem to on the face of it.

**Mr Speaker:** The Member will have a minute added to his time.

**Mr Nesbitt:** I thank the Member for his intervention. He must make his own mind up about the truths. The Members opposite are very clear to decide what they consider to be the truth and what they consider not to be the truth. Our amendment stands and is easily read, Mr McLaughlin.

Mr Peter Robinson made very clear the horrendous details of the attack on Mr Brush, the injuries that he received, the daily regime of abuse and hatred that he now endures, how offensive it is that elected representatives have added to his pain, and how his medication has doubled as a result.

Mr Elliott welcomed the debate and offered his support for Mr Brush. He also offered sympathy to the Black family, who will bury their loved one tomorrow morning. He challenged Sinn Féin to say that all murders by terrorists were wrong, including the Enniskillen Poppy Day massacre.

Mr Elliott was followed by Mr McLaughlin, who opened with an apology but only for being late in the Chamber. He tried to reassure the House that his council colleagues meant no offence to Mr Brush. He complained about a one-sided application of the rule of law and said that the:

*"conflict has effectively been over for approaching 20 years".*

Mr McLaughlin, it has not been for the victims. It has not been for Mr Brush.

Mr Maginness said that the SDLP never sided with terrorists, although he was later to hear an intervention from my colleague. He said that it was a complex legal matter and that the issues were not black and white. I must say that I disagree.

Mr Lunn said that he did not know Mr Brush but that he hoped to shake his hand later. I hope that Mr Brush hopes to shake the hand of most Members of the House. Mr Lunn directed us to the SDLP website and its coverage of a visit by the then Secretary of State. I direct Members to a republican website that carries the headline, "End British Torture in Maghaberry". Let us end the murder of prison officers en route to Maghaberry.

Lord Morrow expressed regret at the stance of the SDLP, the absence of its leader and its lack of leadership.

Raymond McCartney talked about the council motion, spoke in support of it and, again, mentioned the rule of law.

William Irwin attacked the council motion and repeated the stark choice between supporting the rule of law and not doing so.

Ross Hussey declared an interest as someone who had many family members in the UDR and paid tribute to Mr Brush.

Pat Ramsey said that we must stand united in favour of all victims and called for a comprehensive strategy for victims.

George Robinson said that Mr Brush was an unsung hero and contrasted him with those who

want to make Gerry McGeough a hero in their community.

Jonathan Bell praised the courage, integrity and bravery of Mr Brush and attacked the hypocrisy of Sinn Féin's position on the murder of Robert McCartney.

Jim Allister said that there is no distinction between commissioning murder before 1998 and after it. He said that you have to accept the due process. That is a fitting point to finish on: you either support due process or you do not.

It seems strange to me that Sinn Féin is a party that signed up to devolution, yet it does not seem to realise that you cannot cherry-pick justice. If Sinn Féin wishes to convince the population of its bona fides when it comes to the judicial system, it needs to engender public confidence in its position. It has singularly failed to do that.

**Mrs Foster:** I am delighted that Councillor Brush is with us.

Lord Morrow and I well remember the 2007 election, in which one Gerry McGeough decided to stand in the constituency of Fermanagh/South Tyrone. I remember that, when we heard the news, we could not believe it, because we knew, having spoken to Sammy in the past, that it was the same Gerard McGeough who had tried to murder him many years before in 1981. So when Mr McGeough was taken into custody after the election count, we were pleased that it appeared that justice for Sammy Brush would finally be carried through. It took some four years — until February 2011 — for justice to be passed. Mr McGeough was sent to prison for all too short a time. This party is very clear that we believe that Gerry McGeough should be in prison for at least 20 years, if not more. However, the Belfast Agreement came about and was signed, and, therefore, Gerry McGeough will serve two short years, despite the fact that he has given a life sentence to Sammy Brush in the form of the injuries that he has had to endure.

I agree with the South East Fermanagh Foundation when it says that the motion before Dungannon council re-traumatised my friend and colleague Sammy Brush. We know that he sees the motion as abuse, and I see it as that as well. It is, as Lord Morrow said, the most painful and disgraceful motion that he has ever seen before Dungannon council. However, we should not be surprised about that given some of the comments that we have heard today.

It seems to me that there are two arguments put forward by those opposite in relation to Gerry McGeough. The first is that, in Weston Park, a deal was carried through and, therefore, the on-the-runs should get an early release. There is another lady in the Public Gallery today who I am very proud to call a friend. She is called Aileen Quinton, and she lost her mother in the 1987 poppy day bomb in Enniskillen. She is here because she and I campaigned vigorously against the on-the-runs legislation, which, I have to tell the House, is not on the statute book. Therefore, the nonsense spoken across the way about Weston Park is just that — it is nonsense.

#### 5.45 pm

I refer Members to the Court of Appeal's judgement on the matter. Paragraph 24 of that judgement states:

*"Mr Scofield also sought to rely upon the terms of the Weston Park Agreement in support of the application. We can deal with this very briefly. It is correct that in that Agreement the UK Government expressed a willingness to consider dealing with others in similar situations to the applicant in a manner that might have led to his being more favourably regarded, but the materials before us show that the Government withdrew the necessary legislation when it became clear that there was insufficient support in Parliament for its proposals, and we do not consider that this adds anything to the applicant's case as that willingness was not translated into reality."*

So, that is the first point dealt with.

The royal prerogative has also been brought before the court and has been roundly rejected by the Court of Appeal. I hear what Mr Alban Maginness has to say about this being an ongoing matter and a very complex issue. It is not a complex issue. This is the most straightforward case that I think that I have ever seen. It is whether you stand —

**Mr A Maginness:** Will the Member give way?

**Mrs Foster:** I will give way.

**Mr A Maginness:** It certainly is complex. Both at first instance and in the Court of Appeal, it took several days to thrash out the issues. As the learned lady will know, there are four comparators in this case: the Anthony Sloan and others case; the Seamus Campbell and others case; the Leonard Hardy case; and the

James McArdle case. All those involved the royal prerogative of mercy, and the point that I make to you is —

**Mr Speaker:** Order. Let us have a short intervention. We are winding on the motion.

**Mr A Maginness:** — that it is, therefore, extremely complex and not a matter that can easily be dismissed.

**Mrs Foster:** All those cases were taken into consideration by the Court of Appeal, and all those issues were dealt with and rejected by the learned Court of Appeal. The Member says that this is an ongoing matter, and the SDLP feels that it must stand with the side of justice. However, I say to him: give some leadership to your community and tell it where you stand today on Councillor Sammy Brush, as opposed to standing with those who perpetrate murder and attempted murder.

A number of us were with Sammy when the initial judgement came through. It outlines the aggravating features in the offence that was perpetrated on Councillor Brush. The aggravating features were that it was a terrorist offence; the attempt to kill was politically motivated; and the victim was providing a public service. Many in this House talked today about the public service that Sammy was giving when he was under attack. The other aggravating features were that Sammy was vulnerable by virtue of being alone in an isolated and remote location; that the offence was planned; the use of two firearms; arming with firearms in advance of committing the offence; the effect on the victim; McGeough's enduring commitment over a number of years to terrorism and the leading role that he played as a terrorist; and that he absconded or, in other words, went on the run. Those are not my words about aggravating factors but the words of the learned judge in the trial case.

It saddens me a great deal when I hear people trying to excuse and push forward meaningless arguments in this House. We have talked a little about the Enniskillen bomb today, and I am happy to hear the good news that the Historical Enquiries Team has passed a file on the Enniskillen bomb to the police to continue their investigations. I pose this question: if we are able to bring about justice for the Enniskillen bomb victims, what will the SDLP do in respect of that person, if he is brought before the court? Will it go out of its way to try to get him the royal prerogative of justice, as it has done in this case, or will it say that the matter should be left to the courts and to due process?

We have heard a lot today about the rule of law and due process, but the only due process is the courts of this land. I am happy to quote from the courts. I am happy to say what they have to say about the Weston Park agreement and the on-the-runs legislation.

By the way, on the on-the-runs legislation, one of the people who was most vociferous at the time in fighting against the on-the-runs legislation was one Mark Durkan. He fought against it, yet here we have his party arguing for the royal prerogative to be exercised and, effectively, given to on-the-runs by the back door. I have to say, and I have said it before, that there is a moral blind spot in the SDLP. It is hugely disappointing that the leader of that party is not here. I listened with incredulity to him give an interview to the BBC in which he waxed lyrical about the pain and the victimhood of Gerry McGeough. Not one word, Mr Speaker, did he say about Sammy Brush and what he had gone through over the years. I note as well that it took Alban Maginness four and a half minutes to say that he wanted to stand with Sammy Brush, after telling us all the other things that he wanted to talk about.

Therefore, I stand with my party. We are very proud to call Sammy Brush a member of the Democratic Unionist Party. We are very proud to have him as one of our members. We look forward to working with him in the future.

I have to say, if the SDLP has any sense of what is right and what is wrong, it will vote for the motion.

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 66; Noes 27.*

## **AYES**

*Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Mr Beggs, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Byrne, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr McClarty, Mr I McCrea, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr*

*Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr P Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Elliott and Mr Nesbitt*

## **NOES**

*Mr Boylan, Ms Boyle, Mr Brady, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr McCartney and Mr Mitchel McLaughlin*

*Question accordingly agreed to.*

*Main Question, as amended, put.*

*The Assembly divided:*

*Ayes 66; Noes 27.*

## **AYES**

*Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Mr Beggs, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Byrne, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr McClarty, Mr I McCrea, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr P Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Clarke and Mr G Robinson*

## **NOES**

*Mr Boylan, Ms Boyle, Mr Brady, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms*

*McGahan, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr McCartney and Mr Mitchel McLaughlin*

*Main Question, as amended, accordingly agreed to.*

*Resolved:*

*That this Assembly extends support, without qualification, to all elected representatives and their families who have been targeted by paramilitaries throughout the Troubles, including Samuel Brush, a DUP councillor who, while working as a postman, was shot and survived an assassination attempt by the convicted terrorist Gerry McGeough; stands by the victims of terrorism; and expresses revulsion at those who side with would-be murderers rather than an innocent public servant.*

**Mr Speaker:** Before we adjourn, I inform Whips that there is a meeting of the Business Committee in room 106 in 10 minutes.

*Adjourned at 6.21 pm.*

## WRITTEN MINISTERIAL STATEMENT

**The content of this written ministerial statement is as received at the time from the Minister. It has not been subject to the official reporting (Hansard) process.**

### Health, Social Services and Public Safety

#### Northern Ireland Fire and Rescue Service

*Published on Thursday 1 November 2012*

**Mr Poots (The Minister of Health, Social Services and Public Safety):** I wish to make a Statement to the Assembly about the Northern Ireland Fire and Rescue Service (NIFRS).

Following my Statement on 16 October, a number of further allegations have been sent to me about potential fraud, theft or other irregularities in NIFRS, some recent and some dating back over many years. I understand that other MLAs may also have received some such allegations. Some of these have already received media coverage.

I want to assure the Assembly that where appropriate, all material allegations and any others that may come to light over the weeks and months ahead will be investigated rigorously and proportionately, to ensure that our commitment to restoring full public confidence in NIFRS is fulfilled. I am tasking the Departmental Accounting Officer with the responsibility of ensuring a satisfactory and independent investigation of the material specific allegations that have been made. I am also looking to the NIFRS leadership team of Board Chair, Interim Chief Executive and Interim CFO to ensure that proper and effective control systems are in place in relation to the basics of the management of finance, HR, procurement, stock and equipment, and that these systems are operating effectively. I want DHSSPS to continue to provide strong support for the NIFRS team in this task.

It is appropriate and important that where anyone has information about abuse of public money or the assets or equipment of NIFRS as a public body, this is brought to light so that the specific issues can be resolved, appropriate lessons learned, and public confidence restored. Where wrongdoing has occurred it must be addressed, with a proportionate and appropriate response. I also want to emphasise

that by far the majority in NIFRS continue to work faithfully and conscientiously as public servants and we should all work together to ensure that the negative factors in the culture of the organisation are dealt with fully at this time.









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