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Northern Ireland Assembly

Monday 3 June 2013

The Assembly met at 12.00 noon (Mr Principal Deputy Speaker [Mr Mitchel McLaughlin] in the Chair).

Members observed two minutes' silence.

Ministerial Statement

First Minister and Deputy First Minister: Visit to China

Mr M McGuinness (The deputy First Minister): Go raibh maith agat, Mr Principal Deputy Speaker. We visited Beijing last week at the invitation of Vice-Premier Madam Liu Yandong. This followed her successful visit to Belfast last April. Since her visit, Madam Liu Yandong has been promoted to vice-premier of the People's Republic of China, with overall responsibility for education, health, culture, science and technology. We were delighted to be able to secure a meeting with her, and, in fact, we were the first Ministers from this part of the world whom Madam Liu Yandong has agreed to meet since her promotion.

I also want to take the opportunity to thank president Li and her colleagues from the Chinese People's Association for Friendship with Foreign Countries for their hospitality and for helping to manage the diplomatic protocols involved in Government-to-Government visits. The association is also responsible for identifying and inviting foreign Governments and Ministers to China as part of a long-term relationship.

During our meeting, president Li issued an invitation to our Minister for Agriculture, Michelle O'Neill, to lead a delegation to an invitation-only Sino-European conference in China later this year. Members will be aware that there is enormous potential for our agrifood sector and agricultural sciences in China, and we see this as an important step in the process of getting our goods and services into China.

The visit also enabled us to build on our successful visit to Shanghai and Hong Kong last November and has left the Chinese authorities in no doubt as to our commitment to building and maintaining a strong relationship with their country. It was also a pleasure to renew our friendship with Madam Liu Yandong and to open up discussions in her new role as

vice-premier. At our meeting, the vice-premier confirmed that the Chinese Government welcomed our visit last November and viewed this as a strong commitment by us to developing a mutually beneficial relationship with China. It was also confirmed that China would respond positively and practically to this commitment. A number of areas were discussed, including trade and investment, education exchanges, health, science and sustainable development partnership work. We will discuss the opportunities in these sectors with the Ministers responsible and agree on how they can best be developed.

Our talks confirmed that China wants to see a strong relationship developing with us and that we should be more active in promoting trade, agrifood, tourism, education and technology partnerships. China is such a vast country, and its new Government are pursuing a policy of expanding the country's economic growth and urbanisation to other regions. We have been asked to consider how we might get involved with some of those regions.

We had discussions about a focused regional partnership with a number of specific regions, and we will continue those conversations with the Ministry of Foreign Affairs. We also discussed the potential for opening a bureau representing our Executive in Beijing, and we will explore that with Executive colleagues in the near future.

We met the deputy foreign affairs Minister, Song Tao, who also confirmed that our visit in November was seen as a demonstration of our desire to build a mutually beneficial relationship with China. He confirmed that China, in turn, values that relationship and wants to make progress towards a number of pragmatic exchanges. Minister Song was aware of the peace and political process that we have been through here. He outlined one of the Chinese Government's foreign relations commitments to building a peaceful world, encouraged us to continue to share our experience with other countries and regions and said that China wanted to hear more about that work in the

future. Our talks also considered a range of other issues, including political development, the economy, culture and security. That, again, highlighted the many regions in China with different characteristics and opportunities for future work.

A key focus of our future work with China will be to promote economic benefits, and we met the director general of the Ministry of Commerce, Sun Yongfu. We discussed a number of issues, including removing barriers and bureaucracy in trade, which would lead to economic benefits and jobs that, in turn, would help to improve relations between countries and regions.

China is an important and growing export market for our local companies. This market is currently worth in excess of £110 million to us in exports by companies to China, and it sustains valuable employment. China spends trillions of dollars on importing goods and services, and we are, therefore, determined to increase our levels of trade, increase our share of the market and raise our profile there generally.

At our meeting with director general Sun, a number of sectors were identified as being of particular interest, including agrifoods, animal husbandry, food safety, software, engineering and services. We are also looking at investment, and we have invited the Ministry to consider bringing potential investors to Belfast later this year or early next year. There are also now over 80 million Chinese tourists each year, and we need to get more of them to visit us here. That means that we have to be more proactive in creating awareness and in promoting our brand in China in the future.

Education is important in developing links with countries and has the potential to contribute to our economy, technology and health objectives. We met the Minister of Education, Yuan Guiren, and we know that there are around seven million Chinese university students keen to study abroad. We discussed how we could attract more of them to come and study here. We have two internationally renowned universities, and we want to help them to get more access to Chinese overseas scholarships. The Minister also stressed China's desire to get more people to acquire vocational skills and said that they were very interested in the work of our colleges here. Our education system is something that China has started to examine and wants to learn more about. I believe that we can facilitate that with an expansion in education exchanges.

Throughout our discussions with Ministers, it was made clear to us that China needs to know more about what we can offer. We need to do more to get our message out in China. That requires Ministers and other stakeholders to visit China about specific issues and to try to get some of the 80 million Chinese tourists who travel the world to visit us, to get more of the \$50 trillion the Chinese spend on imports and to attract some of its \$9 billion in overseas investment. We are determined to continue working with the Chinese Government and their officials to ensure that we can capture a significant slice of those markets. Following our visit, we are encouraged by the growing relationship that we have with China. We hope to further that relationship, and we will discuss with our Executive colleagues the possibility of opening a bureau in Beijing and developing regional links for future trade opportunities.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I thank the deputy First Minister for a detailed and very positive account of the trip. I also assure him that there will be at least one Executive Minister who will enter those discussions on the possibility of opening a bureau in a very positive frame of mind. Perhaps the Minister could expand his thoughts on that bureau — budgets, timing, personnel and potential impact on Programme for Government targets.

Mr M McGuinness: I think that all Members here, particularly those who have travelled to Washington, where we have a bureau, and to our office in Brussels, appreciate the importance of having those facilities, not just for the purposes of Members from here who are visiting but for building up important contacts in the United States and in Brussels. Given that it is accepted that China is an economic powerhouse and will probably, in a few years' time, be the largest economy in the world, it would be absolutely remiss of us not to consider the opportunity of having a similar establishment — a bureau — in Beijing. The First Minister and I, who were accompanied on our visit by junior Minister Bell, have had our own discussions about how essential we view it to be. We are tasking our officials to deal with all the issues that you correctly raised in your question in relation to personnel, funding, cost and premises. That work will be taken forward in due course.

One thing is absolutely certain: this is a vital step to take. In our relationships with Madam Liu Yandong, it was clear that she was very deeply affected by her visit here last year. She was the person who invited us to go back.

During our meeting, which was supposed to have lasted something like 50 minutes but in fact lasted nearly an hour and 20 minutes, it was clear that the woman is very focused and engaged. She made what, we think, are some important suggestions about how we can further strengthen relationships, and we will explore those, particularly in the context of the Chinese Government's determination to invest large amounts of funding into areas in the north-east of China, some of which, she actually suggested, it would be good for us to partner with. A bureau would be vital in taking that work forward.

Mr Moutray: I thank the deputy First Minister for the statement he has made. I think we all realise that the potential opportunities in China are enormous for a small country such as ours. He referred to the possibility of opening a bureau in Beijing, and we already have a holding in Shanghai. Will the deputy First Minister look at other out-offices, if they are necessary, in such a vast country, so that Northern Ireland may further benefit?

Mr M McGuinness: Obviously, we have been very proactive in Shanghai through Invest over the last number of years. The Member is absolutely right: China is a huge country. For example, one of the provinces that were mentioned to us by Madam Liu Yandong that, she believed, we should focus on has a population of something like 60 million people. The scale of that is absolutely enormous. We are very confirmed in our view that the next first step has to be to explore, as quickly as possible, the prospects for opening a bureau in Beijing. From the implementation and setting up of that we can then take forward an exploration of, first, who will man or woman that office and who will take forward the work of exploring the opportunities that clearly are there in different regions of China in a much more joined-up way.

I know that some commentators have been critical of the visits to China, but one thing is absolutely certain: if you do not go there, you do not count. When we were there it was obvious that there is a massive focus from Europe on getting into China and getting a foothold. Of course, we learned while we were there that the Scottish First Minister, Alex Salmond, is due to visit in a couple of weeks' time. Everybody is focused on the opportunities. As the Chinese said to us, what they were impressed with was the fact that, after going to Shanghai and Hong Kong last year, we actually went back again this year. It is only then, when you continue to visit and build up relationships, that you are taken

seriously. That will be very important work, but the next big step for us is to open up the bureau and then explore the opportunities in other parts of China.

12.15 pm

Ms Ruane: Go raibh maith agat. Gabhaim buíochas leis an LeasChéad-Aire as a ráiteas. I thank the deputy First Minister for that statement. As someone who has visited China, I know that there is huge potential for the North and, indeed, the 32 counties of Ireland for markets and for increasing our trade.

You mentioned the agrifood industry. Marketing is a very important part of that, and, with Ireland having such a clean, green image, will you elaborate on that? It would be useful for the Assembly to hear about it.

Mr M McGuinness: Everybody here knows how important the agrifood industry is. It is a hugely important part of our exports, and we have big potential for developing that further. The recent announcement by our Agriculture Minister and our Minister of Enterprise, Trade and Investment at the RUAS Balmoral show that they hoped to increase the number of people working in the agrifood industry by something like 15,000 over the coming years clearly shows that the industry is up and running big time and is one of the big successes of what is a central plank of building our economy.

We discussed that with Madam Liu Yandong and spoke about the prospects for imports of milk products, chicken and agricultural services such as animal husbandry and food safety. We were delighted that, at our first meeting in Beijing with the Chinese People's Association for Friendship with Foreign Countries, an official invitation was handed across the table to us for our Agriculture Minister to visit for the purpose of a very important Sino-European conference that is taking place in September.

China also places a huge emphasis on food safety. We emphasised our commitment to public health protection through the collection of accurate food chain information and the implementation of food hygiene regulations in meat plants and cold stores. Not so long ago, as Members may recall if they cast their mind back, there was a massive food scandal in China around the issue of powdered milk for babies, which had profound implications for babies' health in China. This is an area in which we have a particular expertise, and we want to interest the Chinese authorities in it.

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an LeasChéad-Aire chomh maith. I thank the deputy First Minister. I wished him and the First Minister well when they went on their trip, and I hope that it proves productive and fruitful, particularly for our export markets.

The deputy First Minister and the First Minister met Director General Sun Yongfu to discuss removing barriers to and bureaucracy in trade, which could lead to economic benefits and jobs. What might those barriers and difficulties be? Are they at this end or at their end?

Mr M McGuinness: It is clear from the discussions that we had with the people at the Ministry of Commerce that the major barriers are at their end. We want to explore with them, over the coming period, how we can deal with the standards that they have put in place for food imports.

Our big focus has to be on ensuring that we move forward in a way that meticulously examines the difficulties that are presented by the standards that they deploy, not just for food products coming from here but from other destinations throughout the world. It is obvious that the Chinese authorities, in recognising that links between us can be further strengthened by increasing imports, particularly of an agrifood nature, know that there are issues that currently prohibit the importation of some food products to China. We want to explore what those are, what the difficulties are and how we can dismantle some of the barriers. In the conversations that we had, there was an openness to exploring that with us.

Mr Lyttle: In what way will improved links between universities in Northern Ireland and China help to develop our economy? Have the First Minister and deputy First Minister raised with the Chinese Government any concerns about human rights and religious freedoms in China?

Mr M McGuinness: Members are aware that, when Madam Liu Yandong came here last year and started her world tour in the North of Ireland, that was a very significant decision on her part. It sent a very important message to us, as did the visit by the then vice-president of the People's Republic of China, new President Xi. On her visit, her big focus was on education and on increasing relationships between Queen's University, the University of Ulster and Chinese universities.

A very large number of Chinese students are educated at Queen's University and the new University of Ulster. All of that enhances and undoubtedly brings much-needed funds into the universities and is, therefore, very important to the economy of university life. The opportunities presented by the opening of the Hanban/Confucius Institute at the University of Ulster are apparent to all of us. The Chinese are very conscious that, in Europe generally, there is a big debate around the teaching of foreign languages in schools, particularly at primary school level; that is no less true here. In the last while, increased interest has been generated in all our schools in the need to teach Chinese, given the importance of the Chinese language to world trade and so forth.

I was able to inform the Chinese authorities that my grandson, who is 14 years of age, is due to go to China in July with a cross-community football team that takes in a school from Coleraine and his own school in Derry city. The opportunities for building educational links are clearly there. It is obvious that the Chinese recognise the importance of the Chinese language being taught in our schools not just at secondary but at primary level. We are exploring further opportunities with the authorities of Queen's University and the new University of Ulster along with the Hanban Institute. There will be a debate about how we can further accelerate the teaching of Chinese in our schools, because the opportunities that that presents for young people to get jobs and do business in China are there for all to see.

Mr Campbell: Many thousands of Chinese visitors and tourists come to the United Kingdom, particularly London, throughout the year. Will any steps be taken, through Visit Britain and the United Kingdom tourism agencies, to ensure that, when those people come to London, they also come to Northern Ireland?

Mr M McGuinness: That is an important point. I outlined the figures in my statement: each year, something like 83 million Chinese people travel overseas and spend huge amounts of money. There is an opportunity for all tourist organisations, including Tourism Ireland, to attract the Chinese to this part of the world. That is something that we are very focused on and will further discuss with the relevant Departments. We are agreed that we need to do more. The Titanic brand, for example, is huge in China, but not a lot of people in China would know that the Titanic was built in Belfast. Madam Liu Yandong was deeply affected by her visit to the new centre in Belfast and to the Giant's Causeway. It is clear that she is

prepared to assist us in the promotion of these important tourist attractions.

I did not answer the second part of Chris Lyttle's question on human rights. During the meeting, that issue was raised by us in relation to the Dalai Lama and human rights generally. It will not come as a surprise to anybody in the House that the Chinese Government representatives are very assertive about their independence and how they handle those matters. However, we felt that it was our duty to raise those matters during our serious attempt to build up important relationships. We also raised those issues during Madam Liu Yandong's visit last year. The First Minister and I had discussions with her, and the First Minister raised the issue of religious freedoms. The opportunity was presented to her to explain what China was doing on many of these matters.

It is obvious that Chinese society is opening up to the world, given the number of people who visit there. It is absolutely spectacular to see what is happening in places such as Shanghai and Beijing and the commitment of the Chinese Government to ensuring that the growth that they are experiencing can be used to bring people out of poverty, particularly in areas outside the big centres. They make a very stout defence of all that. What we have to do and, no doubt, what other leaders do when they visit is to build up economic and important political relationships that will lead to the recognition that there is a big world out there that places great emphasis on the need for the protection of human rights.

Mr Lynch: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an LeasChéad-Aire as an ráiteas sin. I thank the deputy First Minister for his statement. What trade links with China have improved since your trade mission in November?

Mr M McGuinness: The food and drink trade mission in November was hugely important. The First Minister and I, the Minister of Enterprise, Trade and Investment and the Agriculture Minister visited the Food Hotel China exhibition. The return of that will be in November 2013. The eight exhibitors at Food Hotel China 2012 reported potential sales of over £8 million from the event. All are now actively pursuing those opportunities, including plans to appoint distributors and to set up sales offices in China. Several companies returned to the market to follow up leads, and work is ongoing with the Invest office in Shanghai, which is seen by businesses as having a pivotal

role in developing those opportunities. It is also important to stress that businesses — some 350 businesses have visited China in recent years — consistently make the point that ministerial involvement with China boosts their prospects of increasing trade. We ignore that sentiment from the business community at our peril. They believe that, if Ministers support their work, they are taken much more seriously. That was clear during our visits to Shanghai and Hong Kong.

12.30 pm

Ms Lo: I congratulate the two Ministers on their success in gaining access to the top politicians in China and the opportunity to discuss a range of issues with them.

There is still a barrier for Chinese visitors in coming to Northern Ireland and the rest of the UK, and it is because we are not in the EU common visa system. Has the deputy First Minister or have the Executive had discussions with Westminster about joining that system? If not, Chinese visitors will come to the Europe and go to a number of countries and leave out the UK because they will have to apply for an extra visa.

Mr M McGuinness: Thank you for your question. The Member's name came up once or twice during our visit, because we are very proud that somebody who comes from China is part of our Assembly. We made that point on a number of occasions. They were surprised to hear that, but it was a source of great pride for us to be able to say that you are a Member of the Assembly.

As I said, 83 million Chinese people travel overseas each year and, in doing so, spend something like \$1.3 billion. We would like some of that spend each year. Britain and Ireland were granted approved destination status in September 2004 and July 2005 respectively, and that allows Chinese tourist groups to travel for leisure purposes. A UK tourist visa from China costs £84, and a Schengen visa, which covers 27 countries, costs £50. Processing time for a UK visa is approximately 15 days, and a Schengen visa takes five to 10 days. The visa waiver scheme introduced by the Irish Government in 2011 has made access to Ireland much simpler and less expensive for those Chinese visitors who already hold a valid short-term visa for the UK under the scheme. They therefore no longer need a separate visa. To attract further tourists, we, too, absolutely need to consider further what more needs to be

done to make access to our part of the world easier for Chinese tourists.

Mr McElduff: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I congratulate the First Minister and the deputy First Minister on maintaining very strong focus in this area. The deputy First Minister mentioned the focus of the Scottish Government. What is the scale and extent of the Irish Government presence and engagement there? My question is informed by the Brussels experience, where the Irish Government have a very significant lobbying presence.

Mr M McGuinness: It will not come as any surprise to the Member to hear that the Irish Government also have a very significant presence in China, and Enterprise Ireland has been working away with huge success, I think, in China in recent years. We are very fortunate that Michael Garvey, who has now joined our operation in China, has had the experience of working extensively with Enterprise Ireland, and the wealth of knowledge that he will bring to our operation there will be invaluable. We had a lot of very detailed discussions with the Irish ambassador to China and the British ambassador. Declan Kelleher, who is currently the Irish ambassador — although he is due to move shortly to take up an ambassadorial position in Brussels — was very helpful in giving us his sense of what works and does not work when building relationships in China. It suffices to say that our difficulty is that, for many years, the relationships with China were handled by the British Government in London. The First Minister and I have decided, with the support of our Executive colleagues, that we need to visit those places and not leave it to others to speak on our behalf, or perhaps not speak on our behalf, as may be the case in some circumstances. In that regard, we are playing catch-up to the Irish Government operation, and the lessons that we have learnt in our recent visit will stand us in good stead as we further develop our relationships. That is why we think that the establishment of a bureau in Beijing will be of huge importance and will send a very powerful statement to the Chinese Government that we are there to stay, not just as people who are visiting but as people who want to do business with them, and we will speak for ourselves, as opposed to having others speak, or not speak, for us.

Mr Eastwood: I thank the deputy First Minister for his statement and his answers so far. He has already touched on it, but will he expand a bit on the good work that the Confucius Institute at the University of Ulster does in expanding the

links across the world between Northern Ireland and China?

Mr M McGuinness: The First Minister and I and junior Minister Bell visited the headquarters of the Confucius Institute in China, the Hanban institute. It was absolutely enlightening to see the way in which it is developing relationships not only with this part of the world but with many other regions throughout Europe and other parts of the world. It recognises the importance of education and understands the importance of cultural links.

It was obvious from Madam Liu Yandong's very successful visit to the University of Ulster at Jordanstown, which was attended by the First Minister and me, that it places a huge emphasis on education and on the teaching of the Chinese language. As we go forward, we will increasingly recognise, through the establishment of a bureau in Beijing, the importance of strengthening our relationships on all fronts, not only in the agrifood sector and by political links but, vitally, in the context of education. It is obvious that the links, particularly with the University of Ulster, both at Magee and Jordanstown, can be further strengthened and built upon.

It was very interesting for me to learn that the Hanban and Confucius approach is not just about building relationships with the universities. Yes, that is a big priority and a big focus, but their big priority is getting people to recognise the importance of teaching Chinese at primary-school level and at secondary level in schools. They absolutely understand that, when people go to China, it is much easier for them to communicate if they can do so in the Chinese language.

The other interesting fact was that, in the meetings that the First Minister and I were involved in with the different agencies, interpreters were there. Even though some of the Ministers we were speaking to had very good English, they insisted on speaking in their first language. So, this is about culture and their traditions and the way that they do business, and there was an important lesson for us in that in so far as we, increasingly, have to recognise that, if we want to trade with China on the level that we wish to do so, we really need to ensure that, in the time ahead, our education system meets the needs of businesses that will go there.

China is a vast country, and it is one that you have to get to know. You have to recognise the traditions that are there. The Chinese place a great emphasis on personal relationships. For

them, it is about family. They like to speak about their family and ask about yours. I suppose that it is much like what happens in the United States of America, where we are told that, increasingly, most business carried out by top executives is done on the golf course and not in the executive rooms.

Mrs Hale: I apologise for missing the beginning of the statement. Given the sheer vastness of China compared with Northern Ireland, can the deputy First Minister give details of any discussions that took place about building regional links outside Beijing and Shanghai?

Mr M McGuinness: Yes, absolutely. One of the most interesting aspects of our meeting with the deputy premier, Madam Liu Yandong, was her focus on the areas outside Beijing and Shanghai. As I said earlier in an answer to another question, she placed a particular focus on three provinces in the north-east, one of which she mentioned specifically and has a population of something like 60 million people.

So I think she is very keen and interested to have us focus our attention on those three provinces. She made that point particularly in the context of making it clear that the Chinese Government were going to put huge investment into areas that they consider in need of extra support in the time ahead. The argument was that we should be building our links with those areas and that business opportunities would present themselves as a result. So the answer is yes, and the area that she focused on was the north-east of China, and three provinces in particular.

Mrs Overend: Improving our trade links with China is something in which I declare a personal interest. It is the largest pork-eating country in the world and, almost two years ago, we in Northern Ireland exported half an aeroplane full of live pigs to China on account of the excellent genetics of those animals. However, leaving that personal story aside, the deputy First Minister talked about the huge potential for exports to China. Will he confirm whether any targets will be set for such exports in the near future?

Mr M McGuinness: The target is to dramatically increase what we export. Over the course of 2010-11 and 2011-12, we exported something in the region of £230 million worth of goods. Obviously, we want to increase that total. It would be wrong for me to say that we will set a particular percentage as a target, but given that we are in our infancy in building international political and business relationships

at governmental level, it would be fair to say that, at some stage in the not-too-distant future, we might be in a position to set a target.

As the Member well knows, the difficulty about setting targets — this is probably the reason why the question was asked — is that if you set the target and do not reach it, you will be open to criticism in this House. However, it is a fair question, and given that we are looking to increase trade between our part of the world and China, we certainly want to increase very substantially the exports that we send there, compared with the past couple of years. However, £230 million is a huge amount of money. The more that we export to China, the more jobs there will be here.

Executive Committee Business

Carrier Bags Bill: First Stage

Mr Attwood (The Minister of the Environment): I beg to introduce the Carrier Bags Bill [NIA 20/11-15], which is a Bill to amend the Climate Change Act 2008 to confer powers to make provision about charging for carrier bags; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Mr Principal Deputy Speaker: Members may take their ease for a few moments while we make a change at the Table.

(Mr Speaker in the Chair)

Private Members' Business

Civil Service (Special Advisers) Bill: Final Stage

Mr Allister: I beg to move

That the Civil Service (Special Advisers) Bill [NIA 12/11-15] do now pass.

I begin by paying tribute to the staff of the House, particularly those in the Bill Office and Legal Services, and the parliamentary draughtsmen for the exceptionally efficient and professional way in which they performed their duties in respect of the Bill.

Whatever happens with the Bill, I have acquired a very high regard for the work level, ethic and sheer professionalism of the Bill Office staff and those involved in those matters. In the almost two years or so that this Bill has been in the offing, I still have no idea of what the personal view of any of the staff that I engaged with is on the merits or otherwise of this Bill, and that is how it should be. They have conducted themselves in an exclusively and entirely professional manner. I want to pay tribute to their expertise and the manner in which they shared and dealt with that. In one sense, it may not have been the easiest of tasks because they were dealing with an MLA who felt he knew something about the law and who had certain ideas about how certain clauses should be expressed and what words should be used, but they were very gentle with me. They nudged, edged and cajoled in the direction of the wording that was appropriate to all parliamentary expectations. A very sincere word of thanks to the staff.

12.45 pm

I also thank Members from different parts of this House who have assisted in getting the Bill to this point. I am very conscious that I am but a single voice in this House. I am very conscious that others do not share my politics, and it is a tribute to Members that so many rose above that to address the principles and the aspirations of this Bill and to see it thus far. I trust today to see it to its ultimate destination of moving on to the statute book. I sincerely want to thank Members of this House for the gracious manner in which they have dealt with this proposal and for the support, even on some very protracted and tedious voting sessions at various stages, which seemed to go on forever.

I want to place on record my appreciation in that regard.

Much of the public focus on this Bill has centred, perhaps predictably, on the content of clauses 2 to 5, but I want to take a moment to remind the House that this Bill does significantly more than is contained in those clauses. The Bill also introduces other innovations relevant to special advisers that I think will make good law.

I will just say a word about the relevance and significant part of special advisers (SpAds). They are in a unique position in the governmental arrangements in that, whereas they acquire the status of senior civil servants — and salaries and pensions to match — none of them, by virtue of the special arrangements, is appointed on the merit principle that applies to appointments to the Civil Service. That is not to say that some and many of them are not meritorious; that is to say a fact, that they are not subject to the merit principle in their appointments. To date, there has been no proper statutory regulation in respect of special advisers such as I think the public in general would expect, so I think it is right that clause 6 of this Bill introduces the requirement, which exists elsewhere in regards to special advisers, that the Department of Finance should annually produce a report on the number and cost of special advisers, because they are, of course, all publicly paid from taxpayers' money. I think that it is right — indeed, I have heard no one dissent in respect of clause 6 — that the public are entitled to know how many special advisers there are and what they cost the public purse.

I think that it is also right that clause 7 should put their code of conduct on a statutory basis and that it should form part of their terms and conditions of employment. I equally think that clause 8 is necessary to put their code for appointments on a statutory basis and to require all to be subject to vetting. Those are valuable, necessary steps taken in the Bill to add to the transparency and the accountability that would be expected in respect of individuals holding such public posts.

We then, Mr Speaker, have clause 9, which removes the anomaly whereby you, Sir, have the right to appoint a special adviser. I say "anomaly" because since the Assembly Commission introduced the office of adviser to the Speaker, a post engaged and employed by competition on merit, the justification and the need for a Speaker-appointed political special adviser has evaporated and it has been defunct in consequence of that. However, if we are looking at the subject, it is right that we remove that anachronism; hence, we have clause 9.

Again, I heard no one dissent from any of that during the passage of the Bill.

I turn now to the clauses that have attracted public attention — clauses 2, 3, 4 and 5. Fundamentally, the Bill is about righting a great wrong. Those who agree and those who disagree with the Bill know that the appointment of Mary McArdle in 2011 caused great public unease for many, great disquiet and great debate but, above that, great hurt in particular to the family of her victim. She — Miss McArdle — would be convicted for her part in the murder of the gentle Mary Travers as she came out of her place of worship on a Sunday morning as an attempt was made to wipe out all the family who were present, presumably because her father had dared to serve in a public duty post as a magistrate in this land. This House knows and this community knows that that appointment, gratuitous, selective and deliberate as it was, caused immense hurt, anxiety, and re-traumatisation for the Travers family. Therefore, the Bill is about the very simple message that, in respect of such families, never again will such re-traumatising of a victim's family be permitted.

The Bill, first and foremost, is about righting that wrong and about saying that never again should it happen to anyone else. It does that by declaring, in the opening subsection of clause 2:

"Subject to subsection (2) and section 3, a person is not eligible for appointment as a special adviser if the person has a serious criminal conviction."

Serious criminal conviction is, of course, defined in clause 5 as meaning the application of a sentence of five or more years.

The Bill initially stopped there, but the Bill, in its final form, does not stop there. The Bill now embraces points of concern that were raised from legal commentators, from politicians, and from those who sifted and explored the Bill at various fora, not least in the Committee for Finance and Personnel in this House. The Bill, therefore, has imported, through clauses 3 and 4, what could be called appeal mechanisms for anyone affected who finds that they have a serious criminal conviction but already holds or aspires to hold the position of a special adviser. It affords, through an appeal to an independent panel established by the Department of Finance and Personnel, the right to be heard and the right to make their case within the criteria set out in clause 3. If dissatisfied with that outcome, in consequence, they have a further right of appeal to the High Court.

Those are important provisions in the Bill, and those provisions are there to stretch to meet points that were raised in the discussion and debate of the Bill. They set criteria that, I think, are fair and are good law. They say to someone, whether they are a rapist, a fraudster or a convicted terrorist, that if they expect to hold that very special position at the top and heart of government, public society expects that, in respect of their crime, they will have regret and remorse and will show contrition. They will have assisted police as a token of that in the solving of those crimes, and their victims will have a say, as they ought to have, on the fact that they are to be elevated on taxpayers' money to such a unique and pivotal role as that of a special adviser. I suggest that that is a balanced, rational and reasonable approach.

I will move now to refute some of the gross misinformation and falsehoods peddled in respect of this Bill. Indeed, in recent days, in shrill desperation, particularly from Sinn Féin, we have seen an increase in the peddling of those falsehoods. One of them is that the Bill is not compliant with human rights law. Well, there is an answer from a far better source than me in that regard, and that comes from the Attorney General. He raised issues that I listened to and responded to. The nature of that response gave rise to his letter of 22 May, which I want to read into the record. In response, he said to me:

"I expressed some concerns to the DFP Committee when I spoke about the Bill as first introduced, particularly in the context of article 7 of the European Convention on Human Rights. I see from the Further Consideration debates and from some comments in the press that it may be thought that those concerns still exist. It is important, therefore, that my views on the Bill in its present form are clearly understood."

He goes on:

"As a result of the amendments made during its passage and, in particular, the existence of an appeal mechanism, which breaks the inevitable and fixed link between an historic conviction and an adverse consequence for employment, I am content that the Bill in its present form would be within the legislative competence of the Assembly. You will appreciate that my views on competence are not to be construed as a statement of whether or not the Bill is, in policy terms, a good idea or not. This is, of course, the central issue, which is properly a matter for the Assembly."

1.00 pm

On the issue of the Bill's compliance with human rights expectations, however, the Attorney General could not be clearer. Given his powers under section 11 of the Northern Ireland Act 1998 to refer to the Supreme Court any legislation that he has concerns about in that regard, it is quite clear from that letter that he has no such concerns and will, therefore, be making no such referral.

I trust that that letter is a considerable comfort to those who genuinely raised issues of human rights compliance. Some raised them not as genuine concerns, I suspect, and to them, doubtless, the letter is but a paper exercise. To those who genuinely raised concerns, I trust that that letter will properly help to allay those concerns and enable them to see the Bill in its proper light.

We had it peddled that the Bill will open the door to the persecution of former prisoners in teaching, nursing and doctors' jobs — in a whole raft of publicly paid positions. That is utterly, indisputably wrong. The Bill applies exclusively and only to SpAds, a coterie of 19 people. It has no application, can have no application and will have no application to anyone working as a nurse, a doctor, a teacher or anything else. In an attempt to defame the Bill, that is the sort of nonsense that has been spread about. I want to nail that firmly today.

I heard it mentioned on public radio that a Mr Thompson — not the broadcaster but another gentleman — said that the Bill did not apply to convicted soldiers. If a soldier served only two years — I think that there was mention of the name of Private Thain and others — the Bill would not apply to them. That is absolute nonsense. The touchstone and test is not the amount of time that you serve but the sentence that was bestowed on you. If the sentence was five years or more, whether you are a terrorist, a soldier, a rapist or anyone else, the Bill applies to you as a serious criminal. So, let us dispense with that lie that was peddled about the Bill.

It was then said that the Bill discriminates against those whom they call ex-political prisoners. It does no such thing. The Bill applies to all and every serious criminal who obtained a sentence of five years or more, whether that person is a rapist, a fraudster or a terrorist. It applies equally, as it should, to all criminals.

Sinn Féin has, of course, shown itself to be concerned about only its own prisoner elite, as

it has been rightly called. It is not this Bill that picks out Sinn Féin's prisoner elite for special attention. It is Sinn Féin's penchant for rewarding such terrorist convicts that makes them central through the publicity for the Bill. However, the Bill itself does none of that, because it applies — without discrimination and without distinction — to all serious criminals.

Of course, the real problem that Sinn Féin has with the Bill is that it cannot, and will not, accept that those who were convicted of terrorist offences were criminals at all. That is the real nub of the issue. The Bill, however, properly makes no such distinction. It says, "Whoever you are, whoever you were, whatever you were about, you are caught by the Bill if you breached the criminal law and obtained a sentence of five years or more." It is as simple as that.

It was said that the Bill is vindictive. No, it is not, Mr Speaker. It is not vindictive to say that serious criminals should not be employed out of the public purse in such pivotal, central roles. It would be unconscionable to say that they should be. I have heard no one say in any debate on the Bill that the rapist who violently violates a woman should be excused and elevated to a top post at the top and heart of government. I have heard no one say that. Sadly, however, I have heard people say that if you violate a woman — an innocent bystander — with the shrapnel of a bomb that rips her chest apart, and she dies, the person responsible can, and should, be elevated to the position of a SpAd. Mr Speaker, that the rapist and the terrorist should be elevated to such posts are both unconscionable propositions. That is the simple but fundamental and immutable truth to which the Bill clings, and it is the right thing to do. It is good law, I suggest, to say that.

How can it be right, in the name of conscience and all that is right, that those who are guilty of cold-blooded murder, for example, are to be rewarded with such a post by their political friends because they claim that it was done in pursuit of a political cause, but someone who is that rapist, that fraudster or that domestic killer is, by some different moral compass, to be excluded? If there is a moral compass at play, and there should be, it has to apply with equality and unanimity to all serious criminals. That is the case regardless of whether the person is someone who, for the pursuit of financial gain, kills, or whether the person is someone who lurks to pick up the guns after a murder and take them away, or whether the person is someone who sits and detonates a bomb in London and who was, in the words of

the coroner, knowing, seeing and understanding of the fact that there were innocent bystanders who were going to be caught up in it. Whichever crime it is, it is a crime that deserves the same response. It is unconscionable to treat a crime differently.

Therefore, I have to say about Mr Paul Kavanagh — his "pity me" interviews in which he says that the Bill is vindictive and will rob him of his job — is that he is a man who robbed at least three human beings of their lives, including a woman who was out shopping and a young Irish lad who was walking past a barracks. The judge had this to say of Mr Kavanagh: he showed not a shred of compassion for his victims.

Some people would come to the House and say that it should make a special case for such people; that they should have a free pass to the top and to the heart of government, and that they should have access, as senior civil servants, to every paper, effectively, that a Minister sees; be party to every decision that a Minister makes, and give advice on all those issues. I will say it again: it is unconscionable that such people should be rewarded in that way, not because they are convicted of a particular crime, but because, like all the rest of those whom the Bill covers, they have been convicted of a serious criminal offence. That is the essence of the Bill.

I have heard it said that Jim Allister does not want prisoners to have jobs. That is not true. Prisoners can find jobs. They should find jobs. This particular coterie of highly paid, publicly funded jobs are not those to be tarnished by the presence of serious criminals. If Sinn Féin wants to employ such people, that is a matter for that party. Let it pay for them out of its own deep pockets. Do not let it expect and plead victimhood if it is denied the right to pay for them out of the public purse and pocket. Those people are no more entitled than the rapist, the fraudster or any other serious criminal.

I believe that the Bill is important for another reason. In its own way, it is a landmark in how it approaches and deals with victims. It affords victims the right to be heard. For the first time, it elevates their right to a platform on which account must be taken of them. It stems the tide that hitherto has flowed unrelentingly in favour of the prisoner elite. It is right that we should do that. I trust that the passage of the Bill today will mark a significant victory for innocent victims — all victims — and that, for once, we will see something done to stem the tide that hitherto has flowed so strongly in favour of the prisoner elite.

Legislation that is set by a moral compass and respects victims is good law. It is the constant pandering to the "pity me" refrain of the criminal that is bad. I trust not only that the House will respond by passing the Bill but that, in the future, we will build on this small step to honour and respect the innocent victim in our society. The Bill shows that we can move to address the needs of innocent victims, without the political world falling in. It is time to do more of that. I trust that the Bill will be a catalyst to that end. It is, in itself, the right thing to do.

1.15 pm

I could not conclude without paying public tribute to an individual whose courage has been indescribable in the face of gross and crass insensitivity shown to her family. I refer to Ann Travers. With immense courage and disarming conviction, she took to the media when that gross appointment was made, and stood up tall and told it as it was. Particularly in recent days, she has been the object of some scurrilous abuse. It is no surprise where that came from. This House — this community — owes a huge volume of gratitude to Ann Travers, who has done more than most politicians to raise awareness of an issue. She stuck by it courageously and relentlessly, even in the face of great personal difficulties with her health. That is a badge of the integrity and strength of the lady. This House — this community — owes a tremendous debt to that lady, who spoke with such compelling candour, honesty and persistence on behalf of all innocent victims. That is why, outside this House, I have said that, whereas the Bill must officially be called the Civil Service (Special Advisers) Bill, I trust that, in common language, it will, if passed, become known as "Ann's law". That would be a tribute in itself to Ann Travers, her family and the tremendous courage that has been shown.

I commend Ann's law to the House.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Cheann Comhairle. I speak first as Chairperson of the Committee for Finance and Personnel, which undertook detailed examination of the Bill at Committee Stage. In response to its call for evidence, the Committee received over 860 written submissions, which included over 830 signatories to an online petition opposing the Bill. Members heard from the Bill's sponsor on two occasions and received legal advice from Assembly Legal Services. Key stakeholders also gave evidence, including Department of

Finance and Personnel officials, the Attorney General, NIACRO, the Commission for Victims and Survivors, the Equality Commission, the Human Rights Commission, Ann Travers, Coiste na nIarchimí, Tar Isteach, and a number of academic witnesses. Members also heard from Nigel Hamilton and the late George Quigley on the Office of the First Minister and deputy First Minister (OFMDFM) employment guidance on recruiting people with conflict-related convictions, which aims to fulfil commitments to ex-prisoners in the Good Friday Agreement and the St Andrews Agreement.

From the evidence provided, the Committee identified a number of key themes and issues, which were examined in the detail of our report. Those included the lack of an appeal mechanism; consideration of the needs of victims; compatibility with human rights requirements; commitments under the Good Friday Agreement and the St Andrews Agreement; and transparency on arrangements for special advisers. Unsurprisingly, there was no consensus in the evidence on the majority of those themes and issues. Similarly, the Committee failed to reach consensus on all the provisions of the Bill, as introduced to the Assembly, during its clause-by-clause scrutiny, with some clauses and the schedule being agreed on a majority basis.

Subsequent to the Committee's scrutiny of the Bill, a number of amendments were made at Consideration Stage and Further Consideration Stage. It should be noted that the Committee has not had an opportunity to consider or reach a position on any of those amendments or on the Bill as it currently stands.

Speaking from a personal and party perspective, Sinn Féin opposes the Bill. It opposes the discrimination that it introduces. It opposes a man from Derry losing his job today because the SDLP wants to get one over on Sinn Féin. The SDLP supports this Bill. Last week's political car crash was nothing more than an attempt at posturing, and everybody knows that. The mask slipped yesterday. The leader of the SDLP stated that there is a hierarchy of victims. He said that the SDLP consulted victims, when it clearly did not. Clearly, it has consulted victims of the IRA — victims of republicans — but it did not consult with a number of victims' groups, including the victims of Bloody Sunday. Given all of that, when it comes to the SDLP, IRA victims are at the top of that hierarchy and everyone else comes second.

We have a petition of concern, and we have 29 signatures on it, and it is now with the Business Office. It is not too late to do the right thing, to stop this discrimination and to stop the undermining of the Good Friday Agreement. The public know that those against the Bill will sign the petition of concern. They know that those for the Bill will vote for the motion, and they know that those who abstain or vote against the Bill without signing the petition of concern are not really against the Bill and are posturing.

One thing you can be sure of, a Cheann Comhairle: we in this party will never give in to Jim Allister and the anti-agreement unionists who want to reintroduce conflict — who have reintroduced conflict, as we have seen on the television screens and heard on the airwaves in the past week, where victims have been set against victims. They set victims against ex-prisoners. That is what has taken place. Jim Allister wants to turn the clock back. That is why the SDLP should defend the Good Friday Agreement and stop this anti-agreement legislation.

Jim Allister first appeared at the Finance and Personnel Committee in September last year. This piece of work took up a lot of time and effort, and we should have been focused on other issues. We should have been focused on the economy, finance and the Civil Service rather than on a Bill that introduces discrimination.

At that session, Jim Allister made reference to NIACRO having flagged up that it was wrong to place these kinds of barriers. NIACRO was right. He also compared the Bill to the Estate Agents Act 1979 and the Solicitors (Amendment) Act 1956. Mr Allister referred to a clerk who was in post and had a conviction before the Act was made and, under the law that was introduced, was disqualified from acting. However, this predated human rights legislation that has applied in more recent years.

Also at that session, Dominic Bradley referred to the argument that a wave of emotion is not a solid basis for bringing forward legislative change. That is also right. The implications for wider society need to be thought through.

Part of the Bill sponsor's rationale was that a special adviser is a high-profile position, but many of us could not name Nelson McCausland's special adviser, Edwin Poots's special adviser, Arlene Foster's special adviser or Alex Attwood's special adviser. If you were to ask members of the public, they would not

know their faces or their names. It suited the political agenda to deem this "high profile". It is the thin end of the wedge. If Jim Allister could get his way, he would try to send all the prisoners who were released under the Good Friday Agreement back to prison. That being the case, of course he would not mind if they lost their jobs as teachers, doctors, bus drivers, council workers or politicians. What if Jim Allister brought forward similar legislation that was aimed at Jennifer McCann, a political ex-prisoner, Raymond McCartney, a political ex-prisoner, Gerry Kelly, a political ex-prisoner, Pat Sheehan, a political ex-prisoner and Martin McGuinness, a political ex-prisoner?

Mr Allister: Will the Member give way?

Mr McKay: Yes.

Mr Allister: Before the Member demonstrates his ignorance any further, is he not aware that all those matters are not within the ambit of legislation in this House? They fall within the ambit of Westminster legislation. Therefore, it would not be possible, no matter how inclined I might be, to take any of those steps in the House. So, perhaps the Member would like to desist from spinning a web that merely exposes the falsity of his position.

Mr McKay: The Member makes my point. If the House had the power to take away all those politicians who represent people in their communities, the Member would do it. We all know that. The Member has an unhealthy focus on Sinn Féin. He also has an unhealthy focus on trying to reintroduce conflict in our communities, and that needs to be opposed.

SDLP Members are so eager to get one over on us that they would facilitate the sacking of Sinn Féin members whom they work with. The SDLP meet and work with Paul Kavanagh. How many SDLP MLAs who would sack Paul Kavanagh today have sought his opinion and his views, even though they have worked with him for many years? Have they simply hidden away like they have from certain victims' groups over the past number of weeks?

The SDLP needs to think carefully about what it is about to do. Each SDLP MLA — I emphasise the word "each" — has an opportunity to stop discrimination being introduced in the House. This is Jim Allister trying to bring the old Stormont into the new Assembly and to reintroduce real discrimination. You do not sit on the fence when it comes to discrimination; you do not sit quiet. If you do, you facilitate discrimination.

Once you facilitate discrimination, as it is proposed today, there is no opportunity to undo it.

The actions of each SDLP MLA will go on to the public record and will form the detail of the history of this place in future years. As a public representative, I certainly would not want my children and people in my community to come up to me in future years and ask why I stood back and did nothing whilst anti-agreement unionist politicians sacked somebody from Derry, simply on the basis —

1.30 pm

Dr McDonnell: Will the Member give way?

Mr McKay: Yes.

Dr McDonnell: Why did you vote against — Mr Speaker, may I ask why the Member voted against the retrospective amendments that were placed, if he is so adamant about sackings? Amendments were made. Amendments were on offer, and they were supported by Sinn Féin and the Alliance Party. The Member and all his crew voted against them. Surely to God, he owes us an explanation.

Mr McKay: I will explain: it was because the Bill, as the SDLP would have amended it, would still have been prospective.

Dr McDonnell: You voted for retrospective —

Mr McKay: Do you want me to answer the question? *[Interruption.]*

Mr Speaker: Order; the Member has the Floor.

Dr McDonnell: He voted for retrospectivity.

Mr Speaker: Order.

Mr McKay: The Bill, as the SDLP would have changed it, would still have applied to political ex-prisoners, had they applied for a special adviser's post. So, it would still have been retrospective. It would not have been retrospective for Paul Kavanagh and his post, but it would still have facilitated discrimination, and we do not vote for discrimination. *[Interruption.]*

Mr Speaker: Order. Let us not debate across the Chamber; let us have it through the Chair.

Mr McKay: Discrimination, a Cheann Comhairle, touches a raw nerve within nationalism and republicanism. At the first Committee Stage appearance that he made, Jim Allister said that his Bill:

"is prospective; it is not retrospective."

But it is. Paul Kavanagh has already been appointed, so this will apply to past special adviser appointments as well as to future appointments. Jim Allister said that the Bill "bases new legal consequences" on "a past event". So the Bill is about going into the past, changing legal consequences and tailoring them in such a way that the effect, in reality, is on only republican ex-prisoners.

The Attorney General, to whom the Member referred, was also before the Committee in the early stages. He referred to Jim Allister's reliance on the prior legislation that I referred to, which removed employees already in post. He highlighted that such legislation predated the Human Rights Act 1998, in particular the provisions that deal with retrospectivity. The Attorney General's concerns, at that time, stemmed from article 7 of the European Convention on Human Rights. He said:

"it prohibits an increase in penalty or the imposition of a heavier penalty than was available at the time."

And that still applies. A "heavier penalty" is being imposed on Paul Kavanagh by sacking him from his full-time job.

The Attorney General also said that you have to look at the Bill's "purpose and its severity". The purpose, he said, "does loom large" over the Bill. He continued by saying that it is based on the idea that a number of parties do not want certain people with convictions in the past being in this role.

There was also some discussion regarding the possible referral to the Supreme Court, and the Attorney General said of the Bill as it was then drafted:

"For the sake of argument, and just to illustrate the point, let us look at clause 3(2)(b). The Supreme Court might say that there is a problem with retrospectivity and take out the words 'before or'."

The Attorney General said:

"That would leave the clause reading: '(2) This section applies whether the person —

(b) was convicted after the coming into operation of this Act.'"

He went on to say that if those changes were made — that is, were the Bill to be made to apply only to those convicted after the Act came into operation — it:

"might well be saved in European Convention terms."

That change was never made. There are still question marks over the Bill based on the comments of the Attorney General on the European Convention on Human Rights.

NIACRO also gave evidence to the Committee, represented by Pat Conway and Anne Reid. NIACRO's position is that people with convictions should not be discriminated against, especially with regard to access to employment. It promotes the principle and practice that employment aids resettlement and reintegration. The representatives said that people with conflict-related records should be considered separately from others. They referred to two pieces of legislation: the Rehabilitation of Offenders (NI) Order 1978 and the Rehabilitation of Offenders (Exceptions) Order (NI) 1979. For over 20 years, NIACRO has argued that those two pieces of legislation should be reviewed because they are a barrier to resettlement. That is because they are open to interpretation by employers, usually in a negative way, and the list of excepted jobs has increased significantly. Very few conflict-related convictions are considered spent under those pieces of legislation.

In NIACRO's view, the Office of the First Minister and deputy First Minister's voluntary guidelines on recruiting people with conflict-related convictions have simply not worked, essentially because they are voluntary. The guidelines were supposed to be applied to conflict-related convictions. NIACRO made it clear that any such instrument for conflict-related convictions needs to be enacted in legislation. It is NIACRO's view that the Bill is potentially incompatible with section 75 and the Good Friday Agreement. NIACRO does not support the retrospective elements in the proposed legislation. Appointments should be made on the merit principle, and there should not be a blanket exclusion of any particular or specified group.

NIACRO also emphasised the need for a wider discussion about addressing issues of employment and conflict-related records, as happened in South Africa. The representatives said that, in any society emerging from conflict

in which there are prisoners' issues, those issues need to be dealt with. They argued that, in any conflict, the issue of prisoners must be addressed, and not to do so does not assist in concluding the conflict, no matter where it is. It struck them that perhaps the Bill had been predicated on political opinion rather than on whether somebody presents a threat or a danger to society.

The Member for South Antrim Mitchel McLaughlin commented during that evidence session:

"It is conflict-related legalisation, and it represents the conflict continuing ... it is not an example of conflict resolution."

That is why the passing of the Bill should worry us all. People will be punished under the Bill on the basis of the findings and conclusions of a severely flawed legal system. The Bill legitimises the conclusions and findings of a system in the past that introduced internment, forced people to sign confessions for acts that they had nothing to do with and protected the RUC and the British Army from even receiving a sentence of five years or more. The SDLP is right — it is a flawed Bill — and it should block a Bill that legitimises the flawed justice systems of the past.

There is no mention in the legislation of unsafe and very dodgy convictions that have taken place. Many of the convictions to which the Bill will apply are still in the process of being overturned for being wrongful and false. I refer to the case of Charlie McMenamin, who was 16 when he was arrested at his home in Derry in March 1978 in connection with the killing of a police officer. He was questioned for two days without an adult or a solicitor present. He was forced to confess to conspiracy to murder, several firearms offences and membership of the youth wing of the IRA. He was beaten, threatened and kicked to the ground in order to secure that confession. A medical exam took place in the middle of that interrogation that showed that his hair had been ripped out — his hair had been ripped out — but the interrogation was allowed to continue. There was clear evidence of that in court. There was also clear evidence that he was 75 miles away when the incident occurred, but the prosecutors still pressed the charges.

Charlie McMenamin went to jail and got a record that, in later years, hindered him in finding employment. It was not until 2007, 27 years later, that the conviction was overturned in the courts. It might not have been overturned in the courts had Charlie McMenamin not

pursued his case to overturn that miscarriage of justice. He could still have had that record hanging over him, and it would have applied under the Bill.

Eamonn MacDermott was arrested in 1977. He was abused and beaten, and he signed a confession because he was so desperate to end those beatings at the hands of the police. At the trial, the judge rejected his defence that the confession had been beaten out of him. He was jailed for life and served more than 15 years. If that case had not been quashed, Eamonn MacDermott would have been discriminated against under the Bill.

Mr Allister: Will the Member give way?

Mr McKay: Yes.

Mr Allister: Surely the Member understands that clause 2, which uses the phrase "a serious criminal conviction", inevitably refers to an extant conviction. If a conviction has been overturned, a person does not have a conviction. The two gentlemen who were acquitted on appeal would be unaffected by the legislation because they do not have a serious criminal conviction.

Mr McKay: For 27 years, in the case of Charlie McMenamin, that would not have been the case. We know that there are still cases that have not been overturned. Therefore, the Bill will apply to those cases. The Bill, because it is reliant on the findings of a flawed legal system of the past, also ensures that those who fired the guns and killed 14 people on Bloody Sunday are not banned from being special advisers. The Bill protects those —

Mrs D Kelly: Will the Member give way?

Mr McKay: Yes.

Mrs D Kelly: The Member talks about people being tortured and having confessions beaten out of them. People who were alleged to have been informers were found on the border with a black bin bag over their head, having been shot through the back of their skull. What appeals mechanism did they have?

Mr McKay: I have made it clear that this conflict involved many parties — the UVF, the British Army — *[Interruption.]* Are you going to let me finish the point?

Mr A Maginness: The IRA never murdered —

Mr Speaker: Order. The Member has the Floor.

1.45 pm

Mr McKay: There were many parties in the conflict; the IRA, the UVF, the UDA, the British Army, the RUC.

Lord Morrow: Do you condemn the IRA?

Mr McKay: Do you condemn the RUC?

Lord Morrow: Do you condemn the IRA?

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

Mr McKay: There are those who sit in the Chamber who served in the RUC, the UDR and the British Army. Those organisations were part of the conflict.

Mr Hussey: Will the Member give way?

Mr McKay: Yes.

Mr Hussey: I had the honour to serve in the Royal Ulster Constabulary. I have never killed anybody. I do not have a conviction for killing anybody. However, the person who brought this whole thing about was there when Ms Travers's sister was callously murdered. She did it. She is guilty. She is guilty as sin. I, as a serving RUC officer, was very proud to serve in the RUC. Unlike some Members of the House, I say that I served in the RUC. I served in the RUC from 1977 until 2001. I am unlike some Members over there, who will not admit how long they served in the IRA. There are people sitting over there who know murderers who have never been convicted. Get your facts right. There are people sitting over there who know people who were killed and know who killed them. Get them to stand up and admit their deeds here today.

Mr Spratt: On a point of order, Mr Speaker. I ask you to examine the Member's comments. I, too, served in the Royal Ulster Constabulary for 30 years. I never murdered anyone, nor was I ever convicted of any offence. Some of the language that the Member has just used is deeply and grossly offensive. I ask you to examine that language, because I think that it is unparliamentary and not to be used in the House. I have served the House well in what I have had to do since I was elected to it. Mr Speaker, please examine those remarks as

they are offensive to me, Mr Hussey and others in the House.

Mr Speaker: Order, Members. Let me read the Hansard report and come back to the Member directly. Let me say to the whole House that we are getting slightly away from the Final Stage of the Bill. I ask Members to connect their remarks to the Final Stage of the Bill. As Members will know, I will allow them some latitude in and around all these issues. However, please let us get back to the Final Stage of the Bill. Members should make sure that they are able to connect whatever remarks they make in the House very clearly to the Final Stage of the Bill.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. I say that because this Bill is aimed at republican ex-prisoners. *[Interruption.]* That is quite clearly the case.

Mr Speaker: Order. Let us not have a debate across the Chamber. Members should be reminded of the language that they use in the House, especially at the Final Stage of a Bill. Allow the Member to continue.

Mr McKay: Go raibh maith agat, a Cheann Comhairle.

Lord Morrow: Will the Member give way?

Mr McKay: No.

This Bill is aimed at republican ex-prisoners. Any time that you try to discuss wider victims issues concerning the RUC and the British Army, the response is, "Oh no. we cannot talk about that. The focus is on republican ex-prisoners." Is this the way to deal with our conflict and ensure that we do not return to conflict? No, it is not. We need a holistic solution that looks at the needs of victims as much as ex-prisoners. We need to find that agreement.

Mr Hussey: Will the Member give way?

Mr McKay: I will not take any more interventions, thanks.

The focus needs to be on that and not on one or two particular cases, although those cases are just as legitimate as any other.

Queen's and the University of Ulster gave evidence at Committee Stage. Rory O'Connell, one of those who gave evidence, discussed article 7 of the European Convention on Human

Rights. He said that people could regard the Bill as having an element of punishment in it and the purpose of retribution, and that that steers us back to a possible problem with article 7. There had been discussion about the right to seek employment and how that forms part of the right to a private life.

He said that the issue had become quite lively in the European courts and human rights case law. He said:

"The European Court of Human Rights' reasoning is that, for many people, the forum in which they develop relationships with others is, frequently, employment and to exclude people from wide areas of employment may affect their private life."

Reference was also made to the case of Cox v Ireland:

"people who had been convicted under the Offences Against the State Act in the Special Criminal Court could not be employed in the Civil Service for a period of seven years."

That was found to be a breach of a right in the constitution to earn a livelihood.

The Human Rights Commission had serious concerns regarding the European Convention on Human Rights and UN standards, stating that the European Court had said:

"the law should not exclusively serve the process of retribution or revenge."

The question was raised whether this was a retroactive penalty that would trigger violations of article 7 of the European Convention on Human Rights and article 15 of the International Covenant on Civil and Political Rights. Professor O'Flaherty said:

"the key question is this: is the prohibition a penalty? If it is a penalty, we have a problem; there is a clear violation. Is the primary purpose or a prominent purpose of the prohibition punitive? If the answer is yes, articles 7 and 15 are engaged."

Mr Hussey: Will the Member give way?

Mr McKay: No.

The Human Rights Commission highlighted the United Nations document on the standard minimum rules for the treatment of prisoners and quoted a paragraph from it:

"The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him [or her] and towards his [or her] social rehabilitation."

Professor O'Flaherty then said:

"So, you need to ask whether the Bill is consistent with the UN standard minimum rules".

It clearly is not. Clearly, there are question marks over the Bill. When I questioned the Human Rights Commission about the guidance from the Office of the First Minister and deputy First Minister, it was firmly of the belief that that guidance was compliant with international standards.

Ann Travers and Catherine McCartney gave evidence to the Committee. That was a very worthwhile and moving evidence session. Ann said that the first she heard about the special adviser's appointment was when a BBC researcher rang and asked her about it. It has had an impact on her health. Like many victims, of all groups involved in the conflict, Ann seeks the truth of what happened. There is only one way of doing that. Is it through this Assembly? Is it amongst all these parties? It needs to go somewhere else. There needs to be a truth commission. There needs to be an agreed way of dealing with these issues. Otherwise, the kind of legislation that Jim Allister has brought forward will come back again and again and will rake up old sores and wounds and create conflict and arguments between victims of different organisations during the conflict. That will go on and on and would not serve anyone any good at all. There needs to be genuine and full buy-in to such a process from the groups involved. That is a choice that we have: to take either a progressive or regressive approach to the past.

Nigel Hamilton and George Quigley came before the Committee. They discussed the Office of the First Minister and deputy First Minister's guidance, which they were involved with. I had not met George Quigley before; he was a fascinating individual and a great thinker. I thoroughly enjoyed the presentation that he gave to the Committee. The Good Friday Agreement was the genesis of the guidance, as they said at the Committee, and it was based on the need to deal with ex-prisoner issues. Both men chaired a working party with representatives from loyalist and republican ex-

prisoner groups, the trade unions, the CBI and Departments, especially the Department for Employment and Learning and the Department of Finance and Personnel. Both were surprised at the range of issues and blockages to reintegration. Ex-prisoners were not being accepted for jobs because they had a record; they could not get taxi licences; they could not adopt children; and they could not even get insurance for homes and businesses. There was no co-ordinated approach to the authorities and no co-ordinated effort by the authorities to address the need to integrate or reintegrate.

A task force was set up for the regeneration of greater Belfast, and it was chaired by John Simpson and Padraic White. It reported strongly that the ex-prisoner issue should be decisively tackled. That eventually led to the working group in question being set up. George Quigley was astonished that there were some 30,000 ex-political prisoners, and the figure could be higher. He said that, if you grossed that to include immediate family members, it would be over 100,000 people. I realise that that had to be a very important component of the peace process. He was impressed by the ex-prisoners and their obvious desire to move on and to contribute to shaping a new future for everybody. He summed it up very well. I will just quote this:

"So, I asked myself whether it was sensible to deny them the opportunity to contribute and whether it was reasonable for society to expect them to espouse peaceful democratic means to shape the future but, at the same time, refuse them any place in that future, assigning to them the role of permanently idle onlookers and outsiders with all that that would mean later for opportunities for their families and the next generation."

The work of that group resulted in the development of a principle ensuring that an ex-prisoner with a conflict-related offence will be able to compete with other applicants for employment on a totally level basis, with the employer making his or her decision solely on the basis of the applicant's skill and experience.

The OFMDFM guidance discusses what should happen if there were a conviction and the employer considered that it was or could be materially relevant and manifestly incompatible with the post in question. The guidance was very clear that the onus of proving material relevance lies with the employer. It also makes it clear that the seriousness of the offence is not in and of itself enough to make a conviction materially relevant. It also underlines that only

in very exceptional circumstances will a conviction be relevant. George Quigley considered that a good, principled start in what he believed was a very important and necessary journey, and the Member's Bill undermines all that work.

In some areas where the conflict was particularly focused, the treatment of ex-prisoners is a very significant issue. George Quigley also discussed the issue of victims. He said:

"There are two issues to be dealt with in a very dedicated fashion in this society. First, what happens to the victims? I would argue that far too little has been done to deal with that question. It is absolutely scandalous that, at this stage, after the conclusion of the period of violence, we have still not addressed adequately the emotional or material needs of victims. Some cases are an absolute disgrace to our society. I think that that has got to be dealt with, just as much as any other issue. Secondly, there is the issue of ex-prisoners. I am not sure that bringing the two issues together helps the resolution of either."

He is right: not enough is being done for victims. That is a disgraceful situation, but bringing the two issues together in this way will set back our peace process. That is the aim and raison d'être of the sponsor of the Bill. It is to set back the peace process and to set back the Assembly. If we are to have a stable society, there are certain issues that we simply have to address. Both the issues of victims and of ex-prisoners are critical. How can we move forward in a way that results in the past never being repeated? That needs to be the key question, and there does not need to be conflict between addressing the issues of ex-prisoners and of victims.

2.00 pm

We also had representation at Committee Stage from ex-prisoner groups and representatives. The ex-prisoner groups, of course, oppose the aims and objectives of this Bill. An Coiste and Tar Isteach urged the MLAs at the Committee not to support it, first, on the grounds of equality and citizenship and, secondly, on the grounds of a shared future. They emphasised this point: a shared future for everyone, including ex-prisoners. The Alliance Party recognised this point, and it voted to defeat this Bill at Second Stage. Judith Cochrane the Member for East Belfast rightly stated that no conventional senior civil servant

would be comfortable with the power and status of a special adviser that is temporary compared with conventional Civil Service jobs. She said:

"as legislators, we must be careful about making law on the basis of an individual case." — [Official Report, Vol 77, No 6, p48, col 1].

That conclusion was spot on. She said:

"As we endeavour to move away from our dark past and seek to build a brighter future ... we will be faced with many issues that have the potential to cause hurt and pain, and legislation will not always be the answer. Instead, we, as elected Members, must be cognisant of the impact that our decisions may have and ensure that we approach matters sensitively and respectfully. It is for those reasons that we will not be supporting the Bill's passage". — [Official Report, Vol 77, No 6, p48, col 2].

She was right about the potential of this Bill to cause hurt and pain.

In the past week, we have seen victim argue with victim about this. Is the Bill worth that? Is the Bill worth a man being sacked, as will be the case? Of course not. In particular, victims of the British Army, of the RUC, of collusion and of British Government decisions have been hurt by this. The Bill is not holistic; it is focused on republicans. As Jim Allister said, he would prefer Paul Kavanagh to be in jail. He would get the Assembly to send all ex-prisoners back to jail if he could. In that same Second Stage debate, Steven Agnew of the Green Party said:

"the past cannot be allowed to be the shackles on the feet that lead us to the future. If we continually drag ourselves back into the debates of the conflict, that is precisely what we do." — [Official Report, Vol 77, No 6, p55, col 1].

Victims across the board were not consulted on this by the SDLP. It is quite clear that many victims of state violence were not consulted, and, therefore, their anger is understandable. Thomas Quigley of Tar Isteach was before the Committee. Tar Isteach is an ex-prisoners' group that was set up by ex-prisoners. It works in north Belfast with ex-prisoners, relatives of ex-prisoners, victims and the youth of that area. It services some of the most disadvantaged areas in the North. Ex-prisoners in Tar Isteach work in those areas to provide services on welfare rights and in regard to counselling and to provide youth programmes. They also work

with former loyalist prisoners and the police. They make a positive contribution to their community and, therefore, to society. They also carry out a great deal of research. One piece of research found that 75% of the ex-prisoners that they work with are victims themselves. They have had relatives — mothers, fathers, brothers and sisters — killed by state forces or loyalists. They have come through conflict, and now they want to improve society. They want to work for their communities and to play a positive role. That role can be challenging. Ex-prisoners have worked hard to move the peace process forward and to maintain it. They have been threatened by dissidents and those who are opposed to the peace process. So, this Bill — this discrimination — undermines those who are in favour of the peace process and the critical leadership that they provide in communities. That, in my opinion, is simply crazy.

The member of the SDLP effectively gave the two fingers to ex-prisoners across the North yesterday. The SDLP now has a hierarchy of victims. What is that hierarchy? Where are IRA victims, UVF victims, British Army victims or RUC victims? We do not know. We know that Paul Kavanagh is down the pecking order — that is, I might add, a rather distasteful phrase. What about the Bloody Sunday families, the New Lodge Six, the victims of the Ballymurphy massacre?

A Member: Omagh?

Mr Nesbitt: Will the Member give way?

A Member: What about Enniskillen?

Mr McKay: I will not give way. I include all those cases — Enniskillen and Omagh. However, I make the point that the focus, from both the TUV and the SDLP, is on republicans. There are victims of collusion who were republicans. Where do they stand? They include John Davey from Gulladuff, Gerard Casey from Rasharkin and Eddie Fullerton from Buncrana.

Mr Hussey: Howard Donaghy from Omagh was shot dead.

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

Mr McKay: Alex Maskey was a victim of collusion.

Mrs D Kelly: On a point of order, Mr Speaker. Will you make a ruling on whether it is right that Mr McKay chooses the names of particular victims or should he read out all of the almost 3,700 victims? I just want to find out.

Mr Speaker: Members know that this is the Final Stage of the Bill as it now stands. Contributions should be made for and against the Bill. I have allowed some latitude in all of this, because these are very emotive issues. I understand that. However, it is vital that, as far as possible, Members link their remarks to the Bill and to its Final Stage. That is very important. Once again, I remind Members to be careful about the language that they use in the House. Please allow the Member to continue.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. Alex Maskey, a Member of the House, was a victim of collusion. Does the SDLP consider him less of a victim, given that it has this pecking order? That should not come as a surprise because the SDLP dismissed collusion at the time that Alex was attacked and briefed the media that republicans had attacked him. Where is the SDLP in all of this? I do not know.

Dr McDonnell: Do you know anything?

Mr McKay: I know plenty.

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

Mr McKay: The Equality Commission also provided evidence to the Committee and said that, when someone has a conviction, the material relevance of that conviction to the post in question should be considered. That is very much in agreement with the thrust of the guidance from the Office of the First Minister and deputy First Minister. Again, we see evidence against the Bill coming from the Human Rights Commission, the Equality Commission, the Good Friday Agreement and the St Andrews Agreement, which were critical in moving this society beyond conflict, and the European Convention on Human Rights.

Lord Morrow: On a point of order, Mr Speaker. Would it be too much to ask the Member to direct the House to the clause he is speaking to at the moment?

Mr Speaker: In answer to Lord Morrow's point of order, sometimes it is difficult for Members to link what they say to a particular clause and especially to the Bill. It is important that, as far

as possible, while I allow some latitude to Members, they try to link what they are saying and their contribution to the Bill, please.

Lord Morrow: Further to that point of order, Mr Speaker, it is to assist some of us because we have got lost about where the Member is in the Bill. I was hoping that he could give us some guidance about what clause he is talking about.

Mr A Maginness: That is because he has got lost.

Mr Speaker: Order. Allow the Member to continue.

Mr McKay: It is clauses 2 and 3. I will make the point again because I did not get the chance to finish. Again, we see evidence against the Bill coming from the Human Rights Commission, the Equality Commission, the Good Friday Agreement, the St Andrews Agreement and the European Convention on Human Rights, and it is all being ignored.

Mr Hussey: On a point of order, Mr Speaker. Can we confirm that the basic right of the European Convention on Human Rights is the right to life? Will you confirm that for me because you seem to have forgotten that?

Mr Speaker: Order. Points of order and interventions must also link to the Bill. Let us move on.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. Peter Shirlow of Queen's University gave evidence to the Committee. We know this now, but at the beginning of his evidence, he said:

"It is important, at the outset, to say that there is no unified victims' voice. We have to realise that there are multiple voices regarding victimhood. That is crucial."

He made another point that is relevant in this case:

"One of the problems in this society is that the issue of victims creates so much noise that we do not get to grips with solutions, and we do not actually articulate and work our way through what would be progressive and meaningful for this society."

Lord Morrow: Will the Member give way?

Mr McKay: No.

Peter Shirlow said that the fair employment legislation needs to be examined, where it is enshrined that a person with a conflict-related conviction can be dismissed by an employer without any recourse. So, the SDLP is wrong to say that this precedent will not have a ripple effect: it will. Shirlow also discussed victimhood. He said that we have to be aware that victimhood is embedded in the loyalist community, in the republican community, in the prison officers' community and in the state force community.

It is not simply a black-and-white case of perpetrator and victim.

2.15 pm

Peter Shirlow stated:

"One of the other important things that we found from our research was that one third of republicans and loyalists were intimidated out of their home."

He said about victims that the research shows that the vast majority of loyalists and the vast majority of republicans agree that civilians were victims and that those on the other side, so to speak, were victims of the conflict. He said that, in the republican community, former prisoners were twice as likely as other members of their community to state that the police, the British Army and prison officers were also victims of our conflict.

He continued:

"DDR is successful when it is based on inclusion. Any form of demobilisation, disarmament and rehabilitation works through inclusion and not by excluding people from society."

Shirlow stated that he believed in conflict transformation. He said that the Bill is quite clearly contrary to conflict transformation.

He also chaired the review panel on employers' guidance on recruiting people with conflict-related convictions and found very few in industry who wanted to perpetuate fair employment legislation that could disbar former prisoners. He added:

"If the Bill were to come into law, it would be another bar on those people, irrespective of many of the moral issues that are thrown up. If a constituency is prepared to engage,

move forward and challenge itself, it should be included in society."

He went on to say:

"Within loyalism and republicanism, I have had conversations, through research, with many people who, in many ways, lick their wounds, and they are concerned because they feel either betrayed, forgotten or marginalised. In many ways, those people would not necessarily be sympathetic to dissidents in either section but would state uncertainties about their commitments and allegiances. Most people do not feel that for ideological reasons, but they say to me that they feel excluded from society. We are talking about a community in which 50% or 60% have told us in survey after survey that they have been turned down for jobs and have not had interviews when they have been the best person for the job. That sense of fatalism or frustration comes in.

I was speaking one day to a guy from a loyalist background who was in prison for five or six years. He would be affected by this legislation, and I do not think that he would ever end up being appointed. That man was in prison and joined the Christian Fellowship. When he came out of prison, he got a job with a gentleman who was involved in the Christian Fellowship and worked for 25 years in that man's place of work. He was promoted on multiple occasions, was a good citizen, ran a youth club and intervened in all sorts of youth activities in his community. The company went bust, and he could not find work. I understand the emotions of the McArdle issue, but a broad brush whereby everybody is the same is not conflict transformation. Are we seriously talking about excluding people such as that? Are we seriously talking about excluding a middle-aged person? That man cannot get a job. He has been a good citizen, but society tells him that he is not. A political maturity has to kick in, in many ways. To answer your question: prisoner groups go into schools and youth clubs, and they tell people that the allure of violence is wrong. The argument that loyalism makes is that you go to prison, you lose your wife, you lose your income, you come out, and you are put on the scrapheap. That work is crucial in diverting people away from conflict. It challenges the voice of those who are irredentist and want to take this society back to where it was. It is crucial, as are the voices in this room and elsewhere that

condemn the dissidents and those who engage in that type of violence."

He later went on to say:

"We need to have the right framework to engage in a proper debate, and that framework has to work only if we do not go down the route of prosecuting people. That is the model from other societies that works. Many people here will decry the funding of prisoner groups and say that that was a great assault against the victims of the conflict. Other countries are now looking at that model. One of the problems in other DDR processes is that you fight the war, say to people that it is over and give them €50 for their Kalashnikov and say, "away you go". Those people go away and sit at home, and, a year later, say that they are still on the dole and not included so they are going back to war."

Mr Humphrey: Will the Member give way?

Mr McKay: No.

He continued —

Mrs D Kelly: Which clause is this?

Lord Morrow: What clause are you on now?

Mr McKay: Clauses 2 and 3.

Lord Morrow: You are no more on clauses 2 and 3 than I am.

Mr Speaker: Order.

Mr McKay: He continued:

"One reason why our process was successful is that it did things that were counter to what public opinion probably wanted. One of those was to fund the former prisoner model. We have a good model of transformation. At times, we do not realise that, but whatever we do on victims — of course we can point fingers — it cannot be based on a process of putting people back in prison."

A Cheann Comhairle, every December, I visit the grave of a party colleague Malachy Carey, who was killed by the Ulster Defence Association in Ballymoney. Malachy went to Crumlin Road aged 21 —

Lord Morrow: Will the Member give way?

Mr McKay: No.

He was released from prison in 1987, and, when he was released, he was threatened by the RUC before he was shot in Ballymoney in 1992 as he waited for his girlfriend. It was among a number of collusion killings at that time.

Mr Speaker: Order. I am listening intently to the Member, and I wonder where he might be going with his contribution and how he might link it to the Final Stage of the Bill. The Member needs to demonstrate to the House that he is able to do that.

Mr McKay: This is in relation to the arguments that are being put forward to try to get the Bill to pass by the DUP and the TUV. The sponsor of the Bill will know the individual who was prosecuted for that murder, and he did not raise his voice when that person was appointed as a publicity officer for the DUP in North Antrim where he was a member at that time. Therefore, I question the purpose of the Bill, given that fact. The purpose of the Bill looms large in respect of the European Convention on Human Rights. That is why I raise that particular point.

Lord Morrow: Was that person a SpAd?

Mr Speaker: Order. Let us not have debate across the Chamber. The Member has the Floor.

Mr McKay: Many people draw certain parallels between this place and South Africa. One report found, in South Africa, that the absence of a long-term, coherent, reintegration plan had a negative effect in respect of a high rate of suicides.

Mrs D Kelly: Will the Member give way?

Mr McKay: No.

Employers in South Africa were not keen to employ former combatants of that conflict, and the use of the term "combatants" reminded people of a time dominated by fear and suspicion.

Through employment barriers, many former combatants were unable to provide their children with secure and stable homes after the conflict had ended. So, the negative social consequences in that case, because of the barriers to employment, go much wider than the ex-combatants. They affect families, partners, children and communities. It is social

exclusion. In South Africa, reintegrating ex-combatants is now a key element in building social cohesion.

Recommendations with regard to ex-combatants were made at an African national Congress (ANC) national conference a number of years ago. Those were: the inclusion of ex-combatants' needs in the performance indicators for managers in the civil service; skills training; job opportunities; and an integrated approach to ex-combatants involving government, the private sector and civil society. That last point clearly runs parallel to the thinking behind the OFMDFM guidance that was applied on a voluntary basis here.

South Africa was not perfect. The peace process was not perfect.

Lord Morrow: What about the Bill?

Mr McKay: This is about clauses 2 and 3, for your information.

In South Africa, they realised that exclusion had a negative effect on society. Integration, not discrimination, helps to move society forward. A number of people have already made the point that if this Bill had become law in South Africa, Nelson Mandela, had he been in that post, would have lost his job. That would not happen there because they realise the importance of the reintegration of ex-prisoners — ex-combatants — into society.

In 2009, the United Nations introduced a policy for post-conflict employment creation, income generation and reintegration. The UN Secretary-General states in the foreword to the policy:

"For communities and individuals, job creation and regular income can provide the means for survival and recovery. They are also keys to reaching out to young people and reintegrating ex-combatants and returnees."

That United Nations policy recognises the crucial link between the employment of ex-combatants and peace-building.

Mr Speaker: Order. I apologise but I must interrupt the Member as we move to Question Time and questions to the Office of the First Minister and deputy First Minister. I ask the House to take its ease for a few moments. After Question Time, the Member can finish his contribution.

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

Defamation Act 2013

1. **Mrs D Kelly** asked the First Minister and deputy First Minister what discussions they have had with the Minister of Finance and Personnel regarding the extension of the Defamation Act 2013. (AQO 4172/11-15)

Mr M McGuinness (The deputy First Minister): We have had no discussions with the Minister of Finance and Personnel on that matter.

Mrs D Kelly: That was a very brief answer, for a change, Mr Deputy Speaker. In relation to some of the elements of the 2013 Act, and in particular the growing trend of social media, does the deputy First Minister agree that there needs to be greater clarity to allow members of the public and others to understand the import of the 2013 Act?

Mr M McGuinness: There has been some commentary on that in the media over the course of, I suppose, the past couple of weeks. I think it is fair to say that, by this stage, there is not a party in the House that is not aware of the position of each of the other parties on the matter. All I can say at this stage is that I have not seen anything on the matter arrive from the Department of Finance and Personnel (DFP) for the consideration of myself and the First Minister. So, in the first instance, it is the responsibility of the Department of Finance and Personnel and the Minister to deal with that matter, and, if thought appropriate, to bring it to the attention of the Executive for a decision.

Mr Nesbitt: I thank the deputy First Minister. I want to push him on that last answer. Will he comment on the level of consultation, rather than research, that was conducted prior to the decision not to introduce a Defamation Bill? Do you consider that to be best practice within the Executive?

Mr M McGuinness: It is very important to say that the Executive have not taken any decision

in relation to a Defamation Bill. It never appeared on the agenda of any Executive meeting, and it was certainly never given to me, as deputy First Minister, for agreement to be reached between myself and the First Minister in relation to what goes on the agenda of an Executive meeting, as is normally the case prior to a meeting of the Executive. The reason for that is that I have not seen anything from the Department of Finance and Personnel on that matter.

FM/DFM: Visit to China

2. **Mr Humphrey** asked the First Minister and deputy First Minister for an update on their most recent visit to China. (AQO 4173/11-15)

5. **Mr Brady** asked the First Minister and deputy First Minister for an update on their most recent visit to China. (AQO 4176/11-15)

8. **Mr Weir** asked the First Minister and deputy First Minister for an update on their most recent visit to China. (AQO 4179/11-15)

Mr M McGuinness: With your permission, Mr Deputy Speaker, I will take questions 2, 5 and 8 together.

Our mission to China was to further strengthen government-to-government relationships through a number of high-level meetings with Ministers in Beijing. We met with Madam Liu Yandong, who visited us last year and who has since been promoted to the position of vice-premier. Madam Liu has overall responsibility for science and technology, education, sports and culture, and sustainable development. Through her invitation to visit China, we also held meetings with the Minister of Commerce and the Minister of Education. Those meetings were extremely useful, and they enabled us to progress a number of issues that we hope will result in expanding trade opportunities for our firms and Chinese government investment in university partnerships.

With the support of the Chinese Minister of Education, we met the Hanban, the head office of the Confucius Institute, and discussed the possibility of future support to expand educational exchanges, partnerships and teaching of Chinese in schools, community organisations and business here. We also met the Department of Foreign Affairs to discuss plans for developing the Executive's long-term relationship with China.

Throughout the visit we were supported by the Chinese People's Association for Friendship

with Foreign Countries. We believe that this relationship will lead to future visits by Ministers and other organisations to negotiate on a range of tangible issues that will benefit communities and businesses here.

Mr Humphrey: I thank the deputy First Minister for his answers so far. What steps are being taken to open further offices on mainland China? What steps are being taken to establish a Northern Ireland bureau in China, and what is the time frame for such progress?

Mr M McGuinness: Given my statement to the Assembly earlier, I think that people are aware that we have had an office in Shanghai for a number of years and we give serious consideration to how we can extend our ability to communicate and do business with the Chinese Government and businesses there. During our discussions, which I think were very beneficial and, potentially, hugely fruitful, the First Minister and I discussed the real option of opening a bureau, something akin to what we have in Washington in the United States of America and the office that we have in Brussels, which works within the European Union. We have come to a firm conclusion that it would be a sensible next step for us to open such a bureau; naturally, that would be in consultation with diplomatic services there, which have all been very helpful to us during our visits, the last one to Shanghai and Hong Kong and the recent one to Beijing. We had great support from the Irish and British ambassadors. In conjunction with them, we obviously need to work out what the cost of such a facility would be, how many people would be required to work in it and what office accommodation would be needed. It is a serious objective that we intend to pursue, given the success of the two visits to China so far and the fact that, even while we were there, more invitations were being offered to our Ministers. For example, at our meeting with the Chinese People's Association for Friendship with Foreign Countries, we were handed an official invitation for our Agriculture Minister to attend a Sino-European conference in China in September of this year.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I listened to a radio interview that the First Minister and deputy First Minister did from China last week. It seemed as though the media were more intent to talk about the cost of the trip than its value. It is very clear that those trips have an intrinsic value and bring investment and work back to the North. Does the Minister agree?

Mr M McGuinness: There is no doubt that some people tend to focus on the cost of visits whereas, in fact, all the evidence has shown clearly that, in recent times, the people who most appreciate ministerial presence in China are those involved in the businesses that are trying to do business there. In recent years, we have had something like 350 businesses making trips to China and trying to build their connections. All of them have made it clear that they regard it as vital that there is ministerial support when they engage in China.

From our perspective, rather than getting into any wrangle with commentators and people who are looking for tittle-tattle, we need to focus on the big objective. What is the big objective? It is to increase our political, business and commercial relationships with China. Why do we want to do that? We want to do it because China is an economic powerhouse. There are real opportunities for us to move forward and develop that relationship in a way that will bring sustainability to jobs here and increase jobs here. It would be hugely remiss of us as political leaders if we took a decision not to engage with the Chinese Government on the basis that the air fares were too expensive. The reality is that it is a golden opportunity. We have a friend at court in Madam Liu Yandong, who is very powerful in the Chinese Government and who, during our conversations with her, certainly committed herself to working with us to ensure that we can take best advantage of the opportunities that are presented.

Mr Weir: The Minister referred to a meeting with the Commerce Minister and an invitation being made to the Agriculture Minister. In meetings that were held with Chinese Government Ministers, what discussions took place about removing barriers to the exporting of formula milk and meat products from Northern Ireland?

Mr M McGuinness: We had very detailed discussions on those matters. As I reminded the Assembly this morning, the Chinese Government had a very serious issue with baby food formula, which resulted in the deaths of babies and was a major scandal in that country, to deal with some time ago. I think that the Chinese Government know that we have, in our agrifood industry, one of the best and safest systems anywhere on earth, so I think that they are intensely interested in developing their relationships with us on the basis that we can deal with these matters. Naturally, because of the protocols involved and the obstacles, we have left them to consider those issues. No doubt, when our Agriculture Minister goes there

in September, those discussions will be taken forward further.

There will have to be an opportunity at some stage in the not-too-distant future for our Minister of Enterprise, Trade and Investment to visit for the purposes of negotiating how we can increase the numbers of our products exported to China. The opportunity is there, and we do not intend to miss it.

Delivering Social Change: Signature Programme

3. **Ms P Bradley** asked the First Minister and deputy First Minister for an update on the roll-out of the signature project under Delivering Social Change. (AQO 4174/11-15)

Mr M McGuinness: Mr Deputy Speaker, with your permission, I will ask junior Minister Jennifer McCann to answer the question.

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister):

Work on the implementation of the six Delivering Social Change signature programmes, which were announced by the First Minister and deputy First Minister on 10 October 2012, is advancing. Lead Departments are responsible for the development and implementation of the programmes. The Office of the First Minister and deputy First Minister (OFMDFM) is responsible for the co-ordination and evaluation of that work.

The Department of Education (DE) is leading on the signature programme to improve literacy and numeracy levels in primary and post-primary schools. It is planned that 230 recently graduated teachers will be appointed prior to the beginning of the 2013-14 academic year to enable additional targeted tuition to be delivered.

The Department of Health, Social Services and Public Safety (DHSSPS) has lead responsibility for two of the signature programmes: the provision of additional family support hubs, and support for parents. Those two signature programmes will enable the commissioning of additional early intervention support for families and parents experiencing difficulties.

The Department for Social Development (DSD) is working in conjunction with the Department of Enterprise, Trade and Investment (DETI) on the programme to create 10 social enterprise incubation hubs. Some hubs will be established in currently vacant commercial premises and will offer a range of business

advice and practical support to social enterprise entrepreneurs.

The Department for Social Development has been tasked, in collaboration with the Department of Education, to deliver 20 new nurture units in school settings. Plans have been developed, with the aim of having all the nurture units in place by the start of the 2013-14 academic year.

Finally, the Department for Employment and Learning (DEL) is leading on the community family support programme. The pilot programme is to be scaled up and rolled out to areas of greatest need, where the levels of young people who are not in education, employment or training are highest.

Further details of specific aspects of each of the signature programmes should be sought directly from the lead Departments.

Ms P Bradley: I thank the junior Minister for her answer. I welcome the fact that every school is to get a numeracy and literacy teacher, which is extremely important. Will OFMDFM and the Department of Education ensure that those teachers are used for only that purpose?

Ms J McCann: Yes. From some of the discussions that have already been had, there is a view that the extra tuition that will go into primary and secondary schools will have a specific focus on raising the standards of numeracy and literacy. That will certainly be the focus of those teachers.

Ms McGahan: Go raibh maith agat. Given the announcement about the signature projects and the more recent announcements about building a united community, does the Minister see a direct link between all those projects and Delivering Social Change?

Ms J McCann: The simple answer is yes. We are looking to join things up more. We have had many debates in the Assembly. I think that we all agree that the signature projects are trying to address poverty and deprivation. However, the signature projects will not do that on their own; they have to be incorporated into other government policy and programmes. So, I believe that the Delivering Social Change framework will act as a holistic framework, through which we can ensure that poverty, disadvantage and need will be tackled.

2.45 pm

Mr A Maginness: Will the junior Minister give a date or an indicative time when the social enterprise hubs will become operational?

Ms J McCann: As I said, quite a bit of work has already been done with the Department for Social Development and the Department of Enterprise, Trade and Investment to identify areas in the social investment fund zones in which to put the social economy hubs. I do not have a definitive date here, but work has been well progressed, and we will monitor it. I hope that those hubs will be up and running very soon. As I said, I do not have a definitive date here, but work has progressed in identifying where they will be, and we will monitor to ensure that it is brought forward.

Peace Monitoring Report: Residential Segregation

4. **Mr Lynch** asked the First Minister and deputy First Minister for their assessment of the conclusion in the peace monitoring report number two which highlights an expansion of shared space due to changing demographics in electoral wards and a decline in residential segregation for the first time in a couple of generations. (AQO 4175/11-15)

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

Ms J McCann: The latest peace monitoring report recognises that we have already come a long way as a society, and the collective effort at a political, community and individual level must be commended. Work such as the peace monitoring report contributes to assessing our progress. It highlights progress to date and challenges for the way forward.

Residential segregation has diminished for the first time in a couple of generations. Data from the 2011 census shows that only 37% of electoral wards are now single identity, as defined by having 80% or more from one community background. This compares with over 50% having a single identity in the 2001 census. There has also been an increase in wards with mixed identity, where neither community has more than a 50% share of housing.

We welcome the reassuring evidence that we now live in a community in which our citizens are less likely to be victims of crime and in which racist hate crime has decreased and the fact that, for the first time in a couple of

generations, residential segregation has diminished.

We know that there is still plenty of work to do, and the publication of the report also underlines where there continue to be challenges for all of us at an individual, community and political level. We will not shy away from these challenges, and we remain committed to building a united community by continuing to improve good relations across our society.

The new good relations strategy, which we published on 23 May, provides the policy context and framework for strategic actions, which, when implemented, have the potential to make a real difference to the lives of many communities by addressing the challenges identified in the peace monitoring report.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for her answer. Will she give us more details on the new equality and good relations commission?

Ms J McCann: A key action of the good relations strategy will be the establishment of an independent organisation to provide advice to government and to challenge all levels of government in their performance in improving good relations.

The Equality Commission already fulfils a similar role in monitoring public authorities against the statutory duties in section 75. We will, therefore, establish an equality and good relations commission to change the roles and responsibilities of the Equality Commission to include good relations. This change has the potential for a significant impact on the Community Relations Council, which is a major administrator of good relations funding. So, aligned with the management statement for the Community Relations Council, OFMDFM will use the next planned review of the organisation to inform detailed arrangements for future funds.

Mr Lyttle: Does the progress made on shared space suggest that there is potential for a much more ambitious approach to shared and mixed housing than is currently the case in the 'Together: Building a United Community' document?

Ms J McCann: Again, we aspire to have that shared and mixed housing rolled out. As I said in my first answer, there are indications in the peace monitoring report that that has moved forward. That has not happened as quickly or

even as much as we would like, but our view, and, I am sure, that of all those in the Chamber, would be that we have more integrated housing, rather than some of the segregated housing that we do have.

However, we are dealing with realities. There is still a bit of a fear factor, where people like to live in their communities. Through the good relations strategy and the good relations statement that we published — the proposals — we are hopeful that we can change the mindset, particularly of our young people, to enhance the integrated housing that is there.

Mr Campbell: Does the junior Minister agree that the expansion of the shared space philosophy is not encouraged when we have, for example, protests peopled and supported by her colleagues in the Executive against the pursuance of traditional routes by the loyal orders?

Ms J McCann: Dialogue and discussion are needed to solve that issue. There are only a small number of contentious parades. However, the rights of residents are also very important. Many residents' organisations, in particular, have asked to have that direct discussion with the Orange Order, and, in some cases, that has been denied. I believe that the way forward in all of this is through discussion and through getting around the table and talking.

Mr Deputy Speaker: Question 5 has already been answered.

Maze/Long Kesh: Balmoral Show

6. **Mr Irwin** asked the First Minister and deputy First Minister for their assessment of the functionality of the Maze/Long Kesh site during the Balmoral show. (AQO 4177/11-15)

Mr M McGuinness: This year's Royal Ulster Agricultural Society (RUAS) agriculture show at Maze/Long Kesh was a great success. The final visitor numbers are not yet available, but the chair of the Maze/Long Kesh Development Corporation stated that attendance had significantly increased from previous years, estimating that some 100,000 people attended the show over the three days.

Given the short lead-in time for the event, the provision of essential on-site facilities by the RUAS, its partners and the development corporation is commendable and without doubt helped to contribute to the success of the show. There were some frustrating traffic delays

accessing the site, particularly on the first day of the event. However, through the combined efforts of those involved — the RUAS, Roads Service, Translink, our police service and corporation staff — those issues were significantly reduced over the remaining days of the show.

The success of the show highlights two important factors: first, that the site is now a viable development opportunity, primed and ready for investment; and, secondly, that we now have a development corporation that is capable of and committed to the regeneration of the entire site.

This first major event shows that there is still work to do, particularly on roads infrastructure and utilities provision. We can confirm that the corporation is working closely with the relevant agencies to deliver those essential services, which, in turn, will attract further investment.

We wish the RUAS every success at its new home, and we will continue to support the development corporation as it strives to deliver on its vision of regenerating Maze/Long Kesh.

Mr Irwin: I thank the deputy First Minister for his answer. Does he believe it to be vital that road infrastructure is in place as soon as possible to ensure that the site is more accessible in coming years?

Mr M McGuinness: I absolutely agree with the Member. Our Department has allocated £21 million in the current comprehensive spending review period for the regeneration of the site, including provision for essential infrastructure. To date, the development corporation has provided some essential internal road infrastructure, interim surfacing and an additional site entrance to help with the current levels of traffic there.

The corporation is commencing initial survey work and feasibility studies for inclusion in its detailed proposals for improving infrastructure linkages to the site, including a link to the M1. Decisions have not been taken regarding the preferred options for linkages to the M1. Extensive engagement with stakeholders and the local community will be undertaken before any decisions are made about changes to the external road structure. Those wider road developments are seen as absolutely key to the overall delivery of the site's regeneration. They will also help to attract further private sector investment.

Mr Byrne: I thank the deputy First Minister for his comments about the RUAS and the Balmoral show and I echo them. Is the deputy First Minister able to say whether the Executive would support the holding of the National Ploughing Championships at the Balmoral Park site, given that there are 300 acres there and it would be a major economic boost?

Mr M McGuinness: There is no doubt that we are open to all ideas and suggestions. In the first instance, it is a matter for the development corporation, in conjunction with the Royal Ulster Agricultural Society, because it is the corporation's site and the decision is in its domain. There are precedents for events of significance to the island of Ireland taking place here in the North, including, for example, the Irish Open at Royal Portrush. I think that people are open to ideas and suggestions, given the huge success of the RUAS in opening the show at Balmoral Park. I think that, until last year, the figures showed some 80,000 people attending the show; this year, we saw in the region of 100,000 people. For a new site, that is absolutely amazing and gives us a clear indication that people regard this site as one of the most important for regeneration probably in the whole of western Europe. So, yes, we are open to all ideas and suggestions, but we must work in conjunction with colleagues, the RUAS and the development corporation.

Economic Recovery

7. **Mr I McCrea** asked the First Minister and deputy First Minister for their assessment of economic recovery. (AQO 4178/11-15)

Mr M McGuinness: There is no doubt that our economy has come through a very difficult period over the past five years. We have seen some positive developments in the labour market in recent weeks, with announcements of the creation of more than 1,200 new jobs. For example, the major expansion project announced by the US insurance company Allstate will create 650 high-quality jobs over the next three years. The project will create software development, knowledge and business-process outsourcing positions across Allstate sites in Belfast, Derry and Strabane. Also, meat processing company Linden Foods announced expansion plans that will create 179 new production and managerial jobs in Dungannon. Lloyds Banking Group plans to create around 160 new jobs in Belfast, mainly in its anti-fraud operations. Other job news includes US payment technology company Merchant Warehouse announcing the opening of its first international office in Belfast, and that

high-quality investment will create 70 new jobs in technology development and consumer support roles. Deloitte has announced that it will create 177 new ICT jobs at its technology studio in Belfast.

Although economic forecasts also predict a return to growth for the local economy this year, it looks to be too early for commentators to predict significant improvements in our unemployment statistics. The First Minister and I will continue to put economic recovery at the centre of our efforts to improve life here. We are working closely with the British Prime Minister and Treasury to ensure that they fulfil their financial commitments to stimulating our economy, and we will remain tireless in our efforts to attract overseas investment in and trade opportunities for the local economy.

Mr Deputy Speaker: I am sorry but we do not have time for a supplementary question. Time is up.

3.00 pm

Enterprise, Trade and Investment

Power NI: Prices

1. **Mr Nesbitt** asked the Minister of Enterprise, Trade and Investment when she first became aware that Power NI intended to increase its consumer electricity price by 18%. (AQO 4186/11-15)

Mrs Foster (The Minister of Enterprise, Trade and Investment): My officials participate as observers in the electricity and gas tariff review processes on a confidential basis. My officials alerted me at the end of April 2013 to the likelihood of a price increase as a result of the Power NI tariff review, but that was subject to final analysis and a decision by the Utility Regulator. I was advised of the final decision on 20 May 2013.

Mr Nesbitt: I thank the Minister for her answer. Will she inform the House whether her officials were content with that process, what the implications of the price rise are for meeting the 40% renewables target, and the cost implications of that for the consumer?

Mrs Foster: It is not a question of whether my officials were content or not. The Utility Regulator is charged with setting the price tariff, and he has said that he is content with the

17.8% increase. I note that other providers have followed that regulated price increase with increases of their own. We understand that the wholesale costs have risen, which is what led to the price rise. The rise presents a lot of challenges for many domestic consumers and small business consumers. The large energy users are not regulated in the same way; their price is dealt with through the single electricity market and in a competitive way. However, it presents us with a huge number of challenges, and I have asked for some work to be carried out in relation to the whole energy market to find out exactly where the costs are coming from so that my Department and the House can be better informed.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire chomh maith. I thank the Minister for her response. Will she give me some indication as to what steps will be taken by her Department and the wider Executive to ensure that vulnerable groups are not forced into deeper debt by increased electricity bills as a result of the price hikes by Power NI and other electricity providers?

Mrs Foster: I thank the Chair for his question. As I have indicated, I recognise that increased energy costs will be a significant burden, not least on the most vulnerable in our society. Power NI does, of course, offer discounts for customers who opt for online billing or payment by direct debit, as well as offering incentives for keypad customers. My officials will continue to work closely with colleagues in other Departments. As he knows, the Department for Social Development takes the lead on fuel poverty, and we have been working with it on a cross-sectoral fuel poverty partnership.

As well as that, we have, of course, been looking at ways in which we can bring natural gas to more customers throughout Northern Ireland, where it is economically viable to do so. That includes the current proposals for which the Executive have approved subvention funding of up to £32.5 million. That will give a wider choice to people living in Northern Ireland. As you know, gas does not cost as much as electricity, so people can choose. I think it is important that we give people the opportunity to make that choice.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answer. I understand that pricing is not the direct responsibility of the Minister, but will she provide the House with an update on how policies brought in by her Department help to

provide consumers with greater transparency as to what they are paying in electricity costs?

Mrs Foster: It is important that all elements are looked at. We need to look at the energy policy elements, and we are doing that at the moment. I think that it is a good time to do that because the strategic energy framework has been in place for a couple of years and, therefore, it is a good opportunity to see whether things are working in the proper way.

As the Member will know through the Committee, I have also asked the regulator to give thought to establishing a joint working committee to look at a wide range of issues, not least the pressures on some of our large energy users. I have asked him specifically to examine whether there are any structural weaknesses in the operation of the single electricity market and the extent to which it has delivered the most appropriate pricing structure for customers here in Northern Ireland.

I am very much looking forward to that piece of work by the Utility Regulator to give us some of those answers so that we can move forward and look at policy in that context.

Carrickfergus Castle

2. **Mr Hilditch** asked the Minister of Enterprise, Trade and Investment what action the Northern Ireland Tourist Board and Tourism Ireland are taking to market Carrickfergus Castle as a visitor attraction. (AQO 4187/11-15)

Mrs Foster: Both organisations promote attractions in Northern Ireland, including Carrickfergus Castle. The castle is featured in the 2013-14 visitor guide, which is produced in five languages, and it is included in the suggested itineraries in the Great Days Out for Groups guides. Tourism Ireland also features Carrickfergus Castle in market guides, websites and regular updates that are sent to key travel, consumer and media contacts in markets overseas.

Mr Hilditch: I thank the Minister for the information on visitors in her answer. Given the very successful upturn in the film industry — I have heard some rumours locally — will she consider promoting the iconic heritage site as a potential film set?

Mrs Foster: I am very pleased to tell the Member that, indeed, that is the case. As well as groups of travel journalists visiting Carrickfergus Castle, in April past a group from

Germany spent a week travelling around Antrim and had the chance to experience Carrickfergus Castle for themselves.

The new creative industries in Northern Ireland are going from strength to strength. I understand that a new science fiction-based movie produced by Mark Huffam, called 'Our Robot Overlords' — aimed not at anyone in this House, but at the 14- to 18-year-old demographic — will be filmed at Carrickfergus Castle. We are delighted that that is the case, and again, it builds on the work that has been ongoing with 'Game of Thrones', the highly successful 'The Fall', a second series of which has now been confirmed and which will be filmed in Northern Ireland, and Universal's announcement that it is going to make a new version of 'Dracula' here.

There is a cluster building in connection with the creative industries, and we are delighted that Carrickfergus Castle is going to be one of the sites for a new film that is to be made in Northern Ireland.

Mr Beggs: I welcome the news that some will benefit from the fantastic heritage of Carrickfergus Castle, but many believe that Carrickfergus and, indeed, Northern Ireland is not fully benefiting from the tourist potential that exists there. What is the Minister doing along with her colleagues in the Department of Culture, Arts and Leisure, the Ulster Museum and its artefacts, local government and any other relevant agency to ensure that they work in partnership and maximise that potential in the tourist offering so that more people will go there?

Mrs Foster: As well as the list of organisations that the Member has read out, it falls on the Members of the legislative Assembly to be positive about their particular areas. I am very positive about the area from which I come, and I am sure that the Members from east Antrim are very positive about their area; I would like to think that that was the case.

Carrickfergus Castle absolutely provides us with a great focus for tourism in that area, but there is much more happening there. I am pleased to see the progress that has been made on the Gobbins path, for example, and the fact that the local council is proceeding with the project. The Member will know that, under INTERREG IVa, a considerable amount of money has been made available from my Department to see that path brought back to life. We very much look forward to that being something that will attract even more visitors to east Antrim on what is one of the most beautiful

drives, from Carrickfergus right the way up to the north Antrim coast. We look forward to everyone promoting it in as positive a way as possible.

Mr Deputy Speaker: I remind Members that this question is about Carrickfergus Castle.

Mrs McKeivitt: I tend to agree with the Minister that it is up to Members to promote their own areas. What is her assessment of the efforts to date in promoting Northern Ireland as a tourist destination?

Mrs Foster: Last year was a tremendous success for us with our ni2012 campaign. It was a great success in many ways, not least given that hotel accommodation has seen a 10% increase, which I think is a good barometer of the increase in tourism here. I hope that the official tourism statistics will be available on 6 June. We will see then what the official statistics show.

Economy: Private Sector Growth

3. **Mr McMullan** asked the Minister of Enterprise, Trade and Investment for an update on her Department's actions to help the growth of the private sector. (AQO 4188/11-15)

Mrs Foster: It is the responsibility of all Departments, through the commitments that they made in the Northern Ireland economic strategy, to help grow the private sector and rebalance the economy towards one in which a greater number of firms compete in global markets and there is growing employment and prosperity for all.

In my Department, considerable progress has been made towards the delivery of the key commitments that we made in the Programme for Government and the Northern Ireland economic strategy. From March 2011 to March 2013, Invest Northern Ireland promoted 13,870 jobs, supported projects that will secure over £780 million of investment, and provided support that will deliver £168 million of business investment in research and development. Over 40% will come from small and medium-sized enterprises.

The Executive subcommittee on the economy will publish its first annual report later this summer. It will set out progress against the delivery of the commitments that Departments made in the Northern Ireland economic strategy.

Mr McMullan: I thank the Minister for her answer. Does she agree that the only way that we can ensure economic recovery and private sector growth is through having access to the full suite of levers that will enable us to grow our economy?

Mrs Foster: The very short answer is yes. I very much hope that the Members opposite and those on this side of the House will continue to push our national Government to make sure that we retain our 100% selective financial assistance (SFA) coverage right across Northern Ireland. That has still not been confirmed by the Government, but we look forward to that confirmation coming in the near future.

Mr Dunne: Will the Minister give us an update on Invest NI's performance over the last two years?

Mrs Foster: I thank the Member for his question. We have been very pleased with Invest Northern Ireland's performance against its targets, which were set by the Executive in the Programme for Government and latterly in the economic strategy. We have had 13,870 jobs promoted. We secured, as I said, total investment of £784 million against a four-year target of £1 billion, so we are well on our way to meeting that target. We have also secured total wages and salaries of £198 million. At the end of the financial year, we had created 2,699 jobs under the jobs fund; job creation is the key element of that fund. The four-year target for the jobs fund was 4,000, so we are well on track with that as well. That is a very important statistic.

The one statistic that we register concern about relates to exports. The concern is not about exports to the new markets that we are targeting, the so-called BRIC countries. In fact, there has been quite a good take-up in relation to exports, albeit I entirely accept that we are coming from a low base. We need to redouble our efforts regarding exports to our more traditional markets. We know that it has been a difficult time for companies, but we need more work to be carried out. As we all know, we have set our face towards an export-led recovery. Therefore, we really need to push very hard with that target.

Mr Eastwood: Does the Minister have any plans to bring forward a properly funded green new deal package to help job creation in and around the renewable energy sector?

Mrs Foster: That, of course, would be a matter not just for me but probably the Executive subcommittee because it touches not just my Department but, in particular, the Department for Social Development. As I said before, DSD leads on fuel poverty. We are doing a lot in and around the renewable energy sector. In particular, we are looking at ways in which we can be part of supply chains into that sector. Companies are looking for advice and assistance on that. We are very happy to give that advice and assistance, because we see that as a priority growth sector. We will continue to work with those companies.

3.15 pm

Mr Cree: Let me take the Minister back, if I may, to the exports issue. I believe that Invest Northern Ireland has achieved only 2% of the 20% target. Could she perhaps share with the House just what particular plan she has to improve that situation?

Mrs Foster: I think that it is important that we look at the reasons behind why exporting has become difficult for those companies. It is, of course, because those companies have traditionally exported to their very close markets, such as the Republic of Ireland, and there have been well-documented difficulties in relation to that market.

There is also an issue in and around access to finance. For companies to be allowed to grow, they need access to finance. Unfortunately, that has not been as forthcoming as either I or the Finance Minister would like. That is why we are engaging at present in our second round of talks with the banks — we have just had another meeting today with one of those banks — and why Invest Northern Ireland has put in place a suite of access to finance initiatives, including, of course, the growth loan fund. That fund makes available to companies finance that is not secured but that offers them the chance to put their plans into place, because a lot of times they do not have the security but do have very good sustainable growth plans. That is why we needed that access to finance piece put in place.

So, it is about looking beyond and below why those companies have had difficulties exporting. Finally, we need to encourage them to look beyond their traditional markets. That is why we need to focus on bringing them out to markets like Brazil — where, as Members will know, I was two weeks ago — and places like Russia, where a trade mission from Northern Ireland is visiting this week.

Inward Investment

4. **Ms Boyle** asked the Minister of Enterprise, Trade and Investment for an update on her efforts to stimulate inward investment. (AQO 4189/11-15)

Mrs Foster: Invest Northern Ireland continues to target high-quality inward investment in very challenging economic conditions. I will continue to provide whatever support I can to Invest Northern Ireland's effort, whether that is meeting potential investors when they visit Northern Ireland or taking part in visits to overseas markets.

A number of recent high-profile announcements, including that of Merchant Warehouse, which plans to create 70 quality jobs, underline our competitiveness. The announcement that Allstate Northern Ireland is to create up to 650 high-quality jobs in Belfast, Londonderry and Strabane is further evidence of our ability to work with and help investors grow and thrive. Most recently, I had the opportunity to lead a multisectoral trade mission to Recife and Sao Paulo in Brazil. During the trade mission, I continued to cultivate trade and investment links and relationships first developed by the First and deputy First Minister during their visit to Brazil in March 2013.

Ms Boyle: Go raibh maith agat. I thank the Minister for her response. Given that Strabane business park is nearing completion for interested businesses and sits well along the border corridor, has the Minister had any discussions with her Southern counterpart in relation to maximising opportunities for investment on an all-Ireland basis?

Mrs Foster: I very much want to see businesses come and use the park. I have been past the new business park on a number of occasions recently on my way to Londonderry. We have completed the first phase of construction in the Strabane business park, releasing 16 acres of new service land to support economic development in the area. To date, we have received formal interest in the new land from five businesses. Of course, we will continue to work closely with them over the coming months to develop those growth projects further.

However, as to the Member's question, I would have thought that she would prefer that businesses come to Strabane as opposed to the other side of the border. That is my focus; I want to see businesses coming to this side of the border, to make sure that we get the benefit

of those businesses here in Northern Ireland. I look forward to visiting the first firm that goes into the new Strabane business park.

Mr Campbell: It used to be the case that Ministers did not come to the north-west. Thankfully, the Minister is one of the frequent visitors to the north-west. It also used to be the case that international sales reps of Invest NI did not come to the north-west, but they now do.

Mr Deputy Speaker: Is there a question coming, Mr Campbell?

Mr Campbell: Yes. Will the Minister give us any assistance on what is the best way to promote regional development? Is it to whinge and moan about it or to get on with promoting it?

Mrs Foster: Well, it is certainly not to whinge and moan about it — I can tell the Member that. I have made comments in the House today about being positive about the tourism potential for individual parts of Northern Ireland, and I replicate those comments about investment in particular areas of Northern Ireland.

Do Members really think that international investors will come to their part of the world if they are whingeing, complaining and saying that nobody ever bothers about them, or do they think that there is a better chance of that if they talk about the benefits, the skills, the people and what is happening in their area? Do they think that that is possibly a better way of getting international investors to come and look at their city?

I was absolutely outraged — I do not know why I was outraged because I have come to expect it from Radio Foyle in particular — about the outrageous comments that were made about Invest Northern Ireland over the past week. Invest Northern Ireland, and in particular Alastair Hamilton, have gone out of their way to promote the north-west of this country as a destination. Indeed, he took part in a hugely successful seminar in the Guildhall in London. He made sure that he was there to talk about the benefits of investing in the north-west. Last month, he also brought his international sales team from Invest Northern Ireland. That team comes back to Northern Ireland once a year to make sure that it is aware of what is going on. Where did it go? It went to the north-west, specifically to talk to stakeholders and large employers and to learn about the key messages that the city of Londonderry and the

wider region had to offer to potential investors. That is the way to do it.

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

Mrs Foster: We should work with Invest Northern Ireland in a proactive and positive way.

Mr Lyttle: In what way is the Minister working with the Minister for Employment and Learning to ensure that our workforce has the relevant skills to avail itself of inward investment opportunities?

Mrs Foster: I thank the Member for his question. I have said on a number of occasions — I will repeat it — that the relationship between the Department for Employment and Learning and my Department, and, indeed, between the Minister for Employment and Learning and me, has never been as good. I say that because we work together when a firm indicates that it has specific skills needs in the technology sector, where it is quite common, or the engineering sector. If a firm states that it needs a particular type of skill, we work together with the universities or the colleges and provide those skills. The Member will probably know that we call that the Assured Skills scheme. That provides a guarantee for inward investors that, when they look at Northern Ireland, they will be able to access skills. Therefore, it gives us a competitive edge. The benefit of devolution and of having a small Administration is that we can be flexible and meet the needs of those inward investors. I look forward to continuing my good working relationship with the Minister for Employment and Learning.

Jobs Fund

5. **Mr Spratt** asked the Minister of Enterprise, Trade and Investment to outline the impact of the jobs fund since its creation in 2011. (AQO 4190/11-15)

Mrs Foster: To date, the jobs fund has promoted 5,060 new jobs against a two-year target of 4,333 and created 2,699 jobs against a target of 2,395. The jobs fund is having a positive impact on new job creation for large and small businesses across Northern Ireland through its various measures. Those include employment support to business in a range of sectors; support for social enterprises; and support for new business starts by residents of neighbourhood renewal areas and by young

people not in education, employment or training.

Mr Spratt: I thank the Minister for her answer. As all politics are local, will the Minister give us some insight into how the jobs fund has benefited Belfast South?

Mrs Foster: In the Belfast South parliamentary constituency, there are 32 jobs fund business investment projects at various stages of development. Should they all come to fruition, they will lead to the creation of 317 new jobs, 147 of which have already been created. Announced projects in Belfast South include Belfast Telecoms — sorry, British Telecommunications plc, although I wish it were Belfast Telecoms. There are 116 new jobs there, and in SlidingbiFolds, seven jobs. Therefore, it ranges from two or three jobs in individual small companies right up to the bigger multinational companies, which we also assist. There has been a good range of applications, and we are very pleased with that. That is the case not only in Belfast South but across Northern Ireland.

Ms Maeve McLaughlin: Go raibh maith agat. In answer to a previous question, the Minister indicated that 2,699 jobs were created as a result of the jobs fund, and then it was 560. What is the actual figure, and are they new jobs? Will the Minister be considering developing a subregional strategy that will tackle regional disparities for economic growth?

Mrs Foster: If the Member had listened, she would know that I said that the jobs fund has promoted 5,060 new jobs and created 2,699 jobs. It is her party that has been pressing for the jobs-created figure, so I am pleased that we can provide that figure for clarity purposes so that people are aware that those jobs are in place at present on the ground.

On subregional targets, as the Member will know, when I had a piece of work carried out by an independent economic review, it advised very strongly against subregional targets, saying that the best way to bring investment into Northern Ireland was to sell the proposition of Northern Ireland as a whole and, then, that each individual area should put forward its strengths, skills and what it had to offer. I was advised that the individual investor would then make up his mind about where he wanted to locate in Northern Ireland. That is the policy.

Mr Rogers: Does the Minister agree that the jobs fund represents good value for money?

Mrs Foster: I absolutely think that the jobs fund provides excellent value for money, because it is bringing jobs that we otherwise would not be able to support. It was brought into being in 2011 because we recognised that there was a need to support jobs that we may not have supported in the past, because of the nature of the wages involved. It has been a tremendous success, and I say to the Members opposite that that is not least because it has allowed us to create jobs right across Northern Ireland in little pockets that we perhaps would not have been able to get to otherwise.

Mr Gardiner: When does the Minister plan to set some job creation targets outside of the jobs fund, and can she give an indication of an overall job-creation target for this mandate?

Mrs Foster: That is in the economic strategy and the Programme for Government. It states very clearly there that our aim is to create 25,000 jobs. Part of that is made up of the jobs fund, and it also looks at indigenous companies that fall outside the jobs fund and, indeed, at foreign direct investment. Those targets are all present in that target in the Programme for Government.

Giro d'Italia: Armagh

6. **Mr Irwin** asked the Minister of Enterprise, Trade and Investment for her assessment of the tourism and economic benefits of the Giro d'Italia visiting Armagh city in 2014. (AQO 4191/11-15)

Mrs Foster: The key aim is to showcase Northern Ireland, including Armagh city, on a local, national and international stage. It is also the aim to raise the profile and change perceptions so that Northern Ireland is seen as a great venue for cycling as well as a place to visit, work, study and invest. I expect the event to be of significant benefit to Armagh city.

Mr Irwin: I thank the Minister for her answer. Can she confirm whether any of the pre-race events will take in Armagh?

Mrs Foster: The pre-race events and, indeed, the precise route of the Giro d'Italia will be set by its organisers. RCS Sport is the organisation that is working with the Northern Ireland Tourist Board and Tourism Ireland, so it is very difficult to say at this precise moment where the pre-race events will be held. I can tell you, however, that Northern Ireland will be a sea of pink during that time, and I am expecting

everyone in the Assembly to don their pink Lycra and do their bit for Ulster. *[Laughter.]*

Mr Deputy Speaker: That concludes Question Time. Members will take their ease while we change the top Table.

3.30 pm

(Mr Speaker in the Chair)

Private Members' Business

Civil Service (Special Advisers) Bill: Final Stage

Debate resumed on motion:

That the Civil Service (Special Advisers) Bill [NIA 12/11-15] do now pass. — [Mr Allister.]

Mr McKay: Go raibh maith agat, a Cheann Comhairle. I refer to some of the effects — or the effects that do not occur — as a result of the implementation of clauses 2 and 3, with respect to a combatant in a particular case.

I refer to the case of Aidan McAnespie. Different victims have different views, and this is just one view of the Bill. Many victims see the imbalance of the Bill. Aidan McAnespie was a member of Aghaloo GAA club and he was travelling to a match when he was shot. He had just walked past a British Army checkpoint. He had previously been threatened by the British Army and his sister said that British soldiers had threatened to kill him on several locations. The RUC at the time concluded that the shooting was accidental. Charges were initially brought against Grenadier Guard Jonathan Holden for manslaughter but were dropped prior to prosecution. Jonathan Holden received a fine. In 2008, the PSNI concluded that Holden's account of the events was highly unlikely and that the chances of the killing being an accident were so remote that they could be virtually disregarded. If this Bill is passed, Paul Kavanagh, who participated in the conflict, will be excluded from being a special adviser but Grenadier Guard Jonathan Holden, who was guilty in the case of Aidan McAnespie, can still become a special adviser.

A number of days ago, a cousin of Aidan McAnespie said:

"With the position now adopted by the SDLP you have a bizarre situation whereby the British Soldier who murdered my cousin Aidan on his way to a football match in 1988 would be eligible to be a Special Advisor, yet Political Ex prisoners ... would be excluded."

The Committee received a great deal of evidence and correspondence from members of

the public. A petition was submitted which bore just under 900 signatures. It was totally opposed to the Bill. It read:

"This bill aims to discriminate against former political prisoners imprisoned during the conflict. Political prisoners will be barred as Special Advisers to Government Ministers and serving Special Advisers will be sacked."

Former political prisoners already face serious discrimination in many areas that detrimentally affects their lives and the lives of their families. This is especially so in the area of employment where many barriers exist, both structural and political, excluding them employment in numerous sectors of the labour market."

It continues:

"This Bill will add to the number of legal ways in which former political prisoners can be excluded from employment and it will reinforce the discriminatory attitudes and practices with which former political prisoners have to contend."

The petition says:

"This Bill will operate as a breach of the international agreement between two sovereign states, the Irish and British governments, that gave effect to the Good Friday Agreement. It will also contravene the commitments given in regard to political ex-prisoners in the Good Friday Agreement and in the St Andrews Agreement. If it is passed in the form proposed its retrospective penalisation of current special advisers will be in contravention of domestic and international human rights provision."

That petition was signed by nearly 900 members of the public, and it makes reference to both the Good Friday Agreement and the St Andrews Agreement. There is a section in the Good Friday Agreement on prisoners that reads:

"1. Both Governments will put in place mechanisms to provide for an accelerated programme for the release of prisoners, including transferred prisoners, convicted of scheduled offences ... or, in the case of those sentenced outside —"

— NI —

"similar offences (referred to hereafter as qualifying prisoners). Any such

arrangements will protect the rights of individual prisoners under national and international law.

2. Prisoners affiliated to organisations which have not established or are not maintaining a complete and unequivocal ceasefire will not benefit from the arrangements. The situation in this regard will be kept under review.

3. Both Governments will complete a review process within a fixed time frame and set prospective release dates for all qualifying prisoners. The review process would provide for the advance of the release dates of qualifying prisoners while allowing account to be taken of the seriousness of the offences for which the person was convicted and the need to protect the community. In addition, the intention would be that should the circumstances allow it, any qualifying prisoners who remained in custody two years after the commencement of the scheme would be released at that point.

4. The Governments will seek to enact the appropriate legislation to give effect to these arrangements by the end of June 1998."

The final point of that excerpt from the Good Friday Agreement's section on prisoners reads:

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

There is also reference to this issue in the St Andrews Agreement, under the heading "Human Rights, Equality, Victims and other issues":

"Both Governments have also discussed other matters raised by the parties. Some of these relate to the final implementation of the Agreement and others have been raised in the context of the Preparation for Government Committee. The British Government has also agreed to take forward a number of measures to build confidence in both communities and to pursue a shared future ... in which the culture, rights and aspirations of all are respected and valued, free from sectarianism, racism and intolerance.

Details of all these issues are set out in Annex B."

Annex B reads:

"The Government will work with business, trade unions and ex-prisoner groups to produce guidance for employers which will reduce barriers to employment and enhance re-integration of former prisoners."

I think that it is important —

Lord Morrow: In the Bill.

Mr McKay: This is about clauses 2 and 3.

Lord Morrow: In the Bill, but.

Mr McKay: In the Bill.

We need to remind ourselves about the Good Friday Agreement and the St Andrews Agreement and the need for those agreements in terms of conflict resolution and the need now not to undermine both of those documents.

Mr Byrne: I thank the Member for giving way. Given the seriousness of the situation as he has espoused, has his party and the deputy First Minister raised the issue formally with the First Minister? Given that Sinn Féin and the DUP make up 15 special adviser roles, surely, at the very highest level of access to government here, it needs to be put on that level or basis.

Mr McKay: It is clear that the DUP does not support us on this issue. It is also clear that the SDLP does not support us on this issue, so it is a moot point. However, the fact is — *[Interruption.]* Please, no comments from a sedentary position. The fact is that the SDLP recognises that this is flawed legislation and recognises it as being wrong, but it is still going to go ahead with it today. That is deeply shameful from my perspective.

With regard to the deaths in the conflict, we need to ensure that we do not go back to a situation where we are plunged back into conflict. The evidence before the Committee from the Human Rights Commission, the European Convention on Human Rights —

Mrs D Kelly: Will the Member give way?

Mr McKay: No. *[Interruption.]* I have listened to enough nonsense for one day.

Mr Speaker: Order. Members need to watch their terminology and language in the House. Order.

Mr Campbell: On a point of order, Mr Speaker. With regard to the scheduling of business as well as MLAs' outside interests with regard to their constituency business and given the length of the current contribution, have you given any thought to the concluding time of the debate? If this contribution is anything to go by and if it is to be followed by substantial contributions from other Members, we may well be approaching the 7.00 pm deadline.

Mr Speaker: Yes. For Bills travelling through the House at any stage, there is no limit on contributions from Members. I remind the House that we stop at 7.00 pm, unless I get a motion to go beyond 7.00 pm from the House. Certainly, there is no time limit on contributions as Bills travel through the House.

Lord Morrow: Further to that point of order, Mr Speaker. Is there not provision in Standing Orders that the Question can be put? It would then be at your discretion whether the debate would continue. This is not setting a precedent; it has been done before. This might be a good opportunity to do it again.

Mr Speaker: Lord Morrow makes a very important point. Under Standing Order 25, if a motion is proposed in the House to bring it to a vote, I must be satisfied that all sides of the House have been able to make a contribution to the debate, and I must be clearly satisfied.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. It was the view of a number of witnesses, including those from the Equality Commission and the Human Rights Commission I mentioned earlier, that the material relevance of the conviction to a post should be considered. The centrality of the material relevance test was also highlighted in the evidence from Nigel Hamilton and the late George Quigley on the Office of the First Minister and deputy First Minister's (OFMDFM) guidance for employers on recruiting people with conflicted-related convictions. The Committee was advised that the guidance, which aims to fulfil the British Government's commitment to ex-prisoners that was made in the Good Friday Agreement and the St Andrews Agreement, states:

"the onus of proof on the employer to show material relevance"

and

"the conviction must be manifestly incompatible with the position in question".

It also explains that the seriousness of the offence is not of itself enough to make a conviction materially relevant, as I said. NIACRO's position is that people should not be discriminated against with regard to access to employment. NIACRO said that employment aids resettlement and reintegration, and NIACRO supports a progressive rehabilitation and resettlement process. Of course, it also argued that people with conflict-related records should be considered separately.

3.45 pm

Of course, the OFMDFM guidelines have not worked because they have not been legislated for. NIACRO wants to see those strengthened and enacted in legislation. It agrees, as do others, that the guidelines are positive and set in an appropriate framework, but it said they need to be put on a firmer footing. There was a lot of concern that the Bill is being predicated on political opinion rather than on a person being a threat to society.

The Department's review of the guidance, which was referred to earlier, came out in early 2001. It wanted to make special advisers subject to vetting. Those with convictions would have to show remorse or regret as part of the vetting criteria. NIACRO is concerned that the model in respect of spent and unspent convictions is quite restrictive, as is the term "character" in assessing suitability. In NIACRO's view, the risk assessment process adopted is flawed in that it is not as detailed, tight or transparent as it should be. It made reference to the fact that it works closely with Access NI in adopting its code of practice and believes that that is the example that should be followed and applied across the Civil Service.

It was also NIACRO's view that the risk assessment grid promotes exclusion rather than inclusion. A number of examples were highlighted to show that, including one instance where a job offer was rescinded by the Department of Finance and Personnel. In that case, the Department did not bother to explore the details of the conviction with the candidate to assess how relevant it would or would not be to the post.

There was also some discussion at that session about rehabilitation and a lot of concern about introducing the words "repentance" and "contrition". "Sackcloth and ashes" is the term that comes to mind when I look at some of the proposals. That is not the correct approach to

rehabilitation, especially in the context that we have here. A lot of the main actors in the conflict did not go through the court system, such as those who were members of the British Army, the RUC and others.

Mr Hussey: Will the Member give way?

Mr McKay: No.

Mr Hussey: I did not think that you would.

Mr McKay: I did not think so either.

Mr Hussey: What about the murderers?

Mr Speaker: Order.

Mr McKay: Ultimately, issues like this —

Mr Hussey: Hypocrite.

Mr Speaker: Order. Members should not debate across the Chamber. I know that this is a very sensitive issue for a number of Members and for the whole House. Also, Members need to be reminded of their language in the House.

Mr Hussey: On a point of order, Mr Speaker. The Member continually makes reference to murders committed by whomsoever. He does not seem to be able to accept that the IRA was a gang of murderous thugs. He does not seem to want to accept that, so I believe that he is a hypocrite.

Mr Speaker: Order. First of all, that is not a point of order. I remind Members to be careful of their language. We are in a parliamentary institution, and Members should act in a professional manner.

Mr McKay: On a point of order, Mr Speaker. I just want to put it on the record that I am not a hypocrite, and I would appreciate it if the Member would withdraw that remark.

Mr Hussey: I will not withdraw the remark.

Mr Speaker: Order. I did not ask the Member to withdraw the remark. We should really move on.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. The Member from the Ulster Unionist Party makes a point about other victims and other parties. I have said in this speech that there were many parties in this conflict — the IRA, the British Army and others.

There are victims from all corners of the community and from all those groups, but the fact of the matter is that this legislation is focused on republicans and republican ex-prisoners in particular. The cases that I am outlining are cases where this legislation will not apply to other players in the conflict who were guilty of similar actions to the IRA and other combatant groups.

Mr Hussey: Will you accept an intervention?

Mr McKay: A Cheann Comhairle —

Mr Speaker: Order. Just to remind the House, the Member who has the Floor decides whether he wants to take an intervention or not. However, this is not about unparliamentary language but the language that Members may use in the House in a temperate and moderate way. I remind the House of that because I have no intention of allowing the debate to get to a point where Members feel that they can say whatever they want. That is not the issue. So, let us remind ourselves of our language here in a parliamentary institution.

Mr Allister: On a point of order, Mr Speaker. Is it in order for the contributor to constantly repeat a falsehood, namely that the Bill is focused only on republican prisoners, when it applies to all serious criminals? Should he not be called to order for perpetuating a falsehood?

Mr Speaker: I am listening carefully to the debate and contributions. The Member will know that I have continually said to Members and to the Member especially that it is important that whatever is said in a contribution is clearly linked to the Final Stage of the Bill. We are at the Final Stage of the Bill, so what was said at First Stage, Second Stage and Consideration Stage is now gone. We are now at the Final Stage.

Mr McKay: I was going to say — the intervention ties into this — that issues such as this ultimately become a blame game and a de facto continuation of the conflict. We do not want to see that. I long to see the day when the issues being debated in the Chamber are not like the debate that we are having today. We do that through political maturity and having a holistic approach to the conflict that takes into account all the ex-prisoners, former combatants and victims. A piecemeal approach will not work. That will create further conflict in our community, and we do not want to see that.

The Human Rights Commission stated that the law should not exclusively serve the process of

retribution or revenge, as is clearly the case here. In retrospective application, there is a possibility of triggering violations of article 7 of the European Convention on Human Rights. The retroactive penalty is a clear violation in that case. Given that the Bill's purpose is to be punitive, articles 7 and 15 of the convention are, as I said, engaged. It was interesting that the commission's view was that, if the guidance from the Office of the First Minister and deputy First Minister was legislated for, it would meet international standards and be a suitable alternative.

The ex-prisoner groups that came before the Committee, represented by Michael Culbert and Thomas Quigley, were particularly praising of George Quigley and Nigel Hamilton for their work, and rightly so. Much of that work was done under the radar to bring people together and get them around the table to discuss those issues. That was mutually beneficial, given some of the comments from Mr George Quigley in his evidence.

Most members of the Committee shared the view that it was scandalous that, at this stage, we had still not addressed adequately the emotional and material needs of victims. However, bringing the issue of victims and ex-prisoners together does not help to address that issue.

There was huge interest in the Bill. We received over 800 replies opposing the Bill, including the petition to which I referred. That was, perhaps, one of the greatest responses to a Committee Stage that I am aware of in the history of the Assembly. That shows that this issue touches a nerve with members of the public. A significant majority in those responses opposed the Bill, and hundreds signed the petition opposing it.

The petition recognised that the clauses included will add to the number of legal ways in which former political prisoners can be excluded from employment and reinforce the discriminatory attitudes and practices with which former political prisoners have to contend.

Numerous points were raised in different letters to the Committee; some were very good. Conflict resolution requires a no-winners and no-losers approach. One respondent wrote:

"Punitive measures against one particular group of former participants in the conflict run contrary to conflict resolution and leads to alienation from the political process".

The Assembly should not be involved in creating a barrier to employment. A respondent wrote:

"My specific objections to Clause 2 of the Bill is that it will open the floodgates to the political vetting of political ex-prisoners".

Another respondent wrote:

"This further punishment is unfair and unjust and clearly discriminatory."

The Bill represents a breach of human rights, and it contravenes the European Convention on Human Rights.

An ex-prisoner responded:

"we, as ex-prisoners already face enough barriers to employment without those opposed to us creating more barriers. It is an affront to section 75 equality legislation".

That correspondent also stated that the Bill would alienate many ex-prisoners from the political institutions. He stated that clause 2, if enacted into law, would be in breach of the international agreement between the Irish and British Governments and in contravention of domestic and international human rights provision because of its retrospective penalisation of current special advisers.

The idea of singling out one group for punishment is anathema to the building of a better, safer future for all. How can anyone who has an eye to a more equal and settled community give the legislation anything other than a complete rejection?

The overall view of the people who responded to the Bill with extreme concern is that it sets a dangerous precedent, is an unwinding of the Good Friday Agreement and of the commitments at St Andrews, and there is no good reason for it. There are concerns about victims' needs and the needs of ex-prisoners, but to intertwine the two in this way will not do anyone any good and is not in keeping with conflict resolution.

As the Human Rights Commission and NIACRO said, this is not a positive development in any way. Conflict-related offences should be treated differently because if they are not, it is more difficult to move beyond conflict. Perhaps that suits the proposer of the Bill, but it most certainly does not suit our society.

The Human Rights Commission also suggested that the Bill would be more punitive for those in post than for those applying for a post. This is a time when we should be focusing on job creation. It is concerning that, although the evidence during Committee Stage was interesting and useful, we should be focusing on job creation as opposed to excluding people from jobs. Those bringing forward legislation should focus more on those issues than on punitive matters such as that.

The majority of respondents to the consultation believe that the Bill is in contravention of the Good Friday Agreement, which refers to the reintegration of prisoners, and that includes assistance towards availing themselves of employment opportunities. The Bill is about barriers.

The OFMDFM guidance took a more mature approach to conflict resolution, reintegrating political prisoners and moving society on. It recognised that political prisoners would not have been imprisoned had it not been for the onset of the most recent and prolonged period of disorder and violence that caused so much damage and hurt and which shaped the lives of so many during those 35 years. We also need to take all of that into account.

4.00 pm

There have been a number of contradictions in some Members' positions now and those at Consideration Stage. Then, many Members from other parties commented on amendments to do with the Office of the First Minister and deputy First Minister. They said that the Bill needed to be kept away from Departments, that it was being thrust into the political arena and that its independence would not be guaranteed were it to go into one of the Departments. It is interesting, therefore, that, somehow, Sammy Wilson, the Finance Minister, is now considered to be independent by the Bill's sponsor, whereas Ministers in the Office of the First Minister and deputy First Minister are not.

In the Hansard report of the Consideration Stage debate, the Bill's sponsor said:

"a special panel appointed by political vested interest or that contributes to an appointment by political vested interest is far less likely to command public confidence and deliver an impartial outcome in any such scenario". — [Official Report, Vol 83, No 3, p61, col2].

At that time, therefore, Mr Allister said that a panel should not be appointed by a Department because, owing to "political vested interest", it was less likely to deliver an "impartial outcome".

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

"better to take these matters out of the political sphere and arena and rest them with an independent body". — [Official Report, Vol 83, No 3, p73, col2].

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

"The one thing that I will say is that an appeal mechanism that in any way involves other Ministers or Members from other parties in setting up the panel or whatever is bound to face derision." — [Official Report, Vol 83, No 3, p78, col1].

The Bill, as amended, will ensure that Sammy Wilson will oversee what happens to ex-prisoners who are affected by it. The SDLP will therefore not only facilitate the sacking of Paul Kavanagh today but will set up an appeals process that will be overseen by Sammy Wilson, who is anything but impartial when it comes to republican ex-prisoners.

It is interesting to note that the SDLP has had a different position —

Mr Allister: On a point of order, Mr Speaker. Is it in order for a Member to impugn a Minister in the performance of his official duties and ascribe to him partiality?

Mr Speaker: Once again, the Member raises a point of order. I say to the whole House that Members need to be very careful of their terminology in the House and of what they accuse Ministers. All Members from all sides of the House need to be careful.

We really do need to get back to the Final Stage of the Bill. Members need to link their comments to the Final Stage. I remind Members about their language in the House.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. I made the point because the Bill, as amended at previous stages and as it now stands, is a changed Bill. It will not sit with the Civil Service Commissioners, because they do not want it. Of course, the Bill's sponsor had to undo a mistake that he made. However, the

public can judge for themselves. It will go to the Department of Finance and Personnel (DFP), which is overseen by Minister Sammy Wilson. It will set up a panel to which ex-prisoners who are affected by the legislation will appeal. Members of the public can judge whether it is in the interests of moving forward to locate that mechanism in the Department of Finance and Personnel. The sponsor of the Bill was opposed to it going into any Department, but now he has changed his mind. Perhaps that is because it is not a Sinn Féin Minister in post.

It is important to discuss the definition of a victim and victims.

Mr Humphrey: Will the Member give way?

Mr McKay: No.

Article 3 of the Victims and Survivors (NI) Order 2006 gives an interpretation of a victim as:

*"(a) someone who is or has been physically or psychologically injured as a result of or in consequence of a conflict-related incident; .
(b) someone who provides a substantial amount of care on a regular basis for an individual mentioned in paragraph (a); or .
(c) someone who has been bereaved as a result of or in consequence of a conflict-related incident."*

Article 3(1)(c) makes an important point, because there are many victims. Many of them are from the British Army, the RUC, the IRA, the UVF and so on, and their families. Grief affects many people in this society. It is just as distressing for the family of an RUC man as it is for a member of the British Army, the IRA, and so on. It does not distinguish between what particular party their son, father or mother belong to. It is important to make that point.

In the debates leading up to today, we have heard the parties set out their views on the proposed legislation. It is clear that some parties support it and others oppose it. However, there is still ambiguity about the position of the SDLP. Those who support the passing of the Bill do so for very obvious reasons: they want to pretend that the unionist-dominated and controlled Northern statelet was not in any way complicit in the conflict here. They want to pretend that it was only republicans who had any hand in the conflict. For that reason, they are content to revert to the type of discrimination and exclusion politics that led to the conflict in the first place.

Republicans have always been opposed to the Bill. We have been very clear about what it seeks to do, and we have always been very clear about the motivations behind it. The Bill is an attack on the peace process. It is an attack on the Good Friday Agreement and the institution in which we are debating today. Jim Allister split with the DUP because he did not want to see republicans taking their rightful place in representing people in the Chamber. He is still an old-style unionist. As I said earlier, the other unionist parties in the Assembly support the Bill. The only difference between them and Jim Allister is in style; the substance is the same.

The one party's position that I am not clear on — that we are all not clear on — is the SDLP's. Throughout the Consideration Stages of the Bill, we heard it say that the Bill is flawed and that it is bad legislation. Anyone would think that a legislator, when faced with bad and flawed legislation, would block its passing. However, that is not the position that the SDLP has taken, despite flagging up very clearly that that was what it intended to do. That was before the external leadership decided that it wanted a different approach. Of course, the current leader did not have the courage to stand up to that. The party's position is now that it is doing it on behalf of victims. Let us not try to kid anyone; passing bad and flawed legislation will not help victims. What it will do is take us back to the past and reassert that old unionist agenda of exclusion and discrimination.

The SDLP cannot pretend that there is such a thing as just a little discrimination. They know exactly what they are doing: they are dancing to Jim Allister's agenda. They are prepared to see again the introduction of discriminatory practices because they think it will curry favour with some sections of the community. That is playing politics not just with victims but with the whole political process. We will see and hear what their true position is today.

There is no moral decision other than to sign the petition of concern if they believe that this is flawed and bad legislation. I have no doubt that they will seek to dress up the failure to do that in any number of different ways, but the reality is that the public will not be fooled. Those who they want to label as second-class victims will not be fooled, and each and every SDLP MLA should hang their head in shame if they go ahead and implement this old-style unionist discrimination. It is wrong. It is unjust. It is against human rights. It is against equality. It is against the Good Friday Agreement. Just to score political points.

Mr Girvan: I support the Bill, and I am glad to get the opportunity — I thought that we might still be here in another two hours. I want to go over a few points that have been mentioned, particularly clause 12 of the Bill. Great emphasis has been put on a person, Paul Kavanagh, getting the sack. It is unlikely that his conviction will be overturned, so it is likely that he will have to resign his post, but clause 12 allows for a severance package and a way of dealing with such anomalies, should they arise.

Comments were made in the previous contribution about a number of people who gave evidence to the Committee. The Member left out some others who gave evidence to the Committee. Brice Dickson and Dr Braniff came to the Committee and reported that they believed that the Bill met all legal competencies and, as far as they were concerned, went some way towards addressing some issues.

We are dealing with two appointments, one of which brought the whole issue to the fore: the appointment of Mary McArdle. Unlike other parties around the Chamber, which use some element of common decency in trying to assess whether the things that they are doing are right or wrong, their moral compass has to be seriously questioned. I, for one, feel that unionists would be rubbing the face of those from a republican background in the dirt if they appointed someone such as Johnny Adair to such a position. We would never think of doing that, but, if we had, it would have created an issue.

An attempt has been made to put all the emphasis on those associated with political crimes. This Bill does not deal solely with those who have received a five-year tariff for a political crime; it covers all crime, as the sponsor of the Bill has stated. Unfortunately, those on the opposite Benches have focused on one small area because it affects them, and them solely.

We should not give people the impression that this country is easy on terrorism.

Let us be honest: those who are involved in terrorism have served their time for their crimes. However, there are certain posts — 19 positions are in question here, not the whole of the Civil Service — and republicans will only ever have the opportunity to put people who have served a prison term of more than five years into a small proportion of those posts. On that basis, it is a very small number of posts that will be affected by this.

4.15 pm

Mr Humphrey: I am grateful to the Member for giving way. As the Member will be aware, I tried on a number of occasions to ask the previous Member who spoke to give way.

I have listened to Members from Sinn Féin, including the previous Member who spoke, over the past number of days, saying that all victims in Northern Ireland should be treated the same. That is whether they were members of our security forces, who protected us from terrorists, terrorist perpetrators or, indeed, innocent victims. They said that they should all be treated in the same way.

As I sit in this Chamber and listen to the contributions inside and outside of the House by republican and broader nationalist politicians on this issue, I have to ask, what about the victims of Gerry McGeough? What about the victims of Raymond McCreesh? You sided with the SDLP to call a children's play park in Newry after a terrorist. What about the victims of Marian Price? Those victims are not being treated as equals by Sinn Féin or the SDLP on this issue. It is an absolute affront, and it is broad, clear hypocrisy to the House.

Mr Girvan: I thank the Member for his intervention.

I believe that we have put an awful lot of emphasis on those who have received sentences for crimes that are associated with the Troubles that we had in our Province. However, the legislation and the Bill, as presented, treat all with the same opportunity. Those from my community — the loyalist and unionist side — and those who class themselves as nothing else or "Other" will all be under the same restrictions, and that is where the fairness issue comes into it. I appreciate that some people feel that they will only represent one side of the community whenever they want to put something forward.

The proposer of the Bill commented that the Bill was measured, and I believe that it has been measured in the way that it has been presented. A number of points were raised in relation to the appeals mechanism, and that has been amended to suit. Unfortunately, we have let a government authority, the Civil Service Commissioners, off the hook on this matter, and I am not too happy about that. However, I will support the Bill in its entirety.

We have listened to detailed extracts of those who gave evidence to the Committee. I actually thought that I was still sitting in the Committee

at some stages today, because we regurgitated the majority of those witness statements, except those who spoke in favour of the Bill. We regurgitated extracts that suited from those who gave evidence to the Committee.

I appreciate that the majority of the correspondence that was received by the Committee came from the republican side, rather than those who are associated with the loyalist community. I think that there is a realisation in that community that they do not wish to take the top positions in the Civil Service. Effectively, that is what these positions are.

We should recognise the work by Ann Travers in bringing this matter to the fore through the Bill and the way that she has helped to bring it forward. She spoke to the Committee from the heart and delivered what was a very compelling and moving evidence session. It brought forward the total immorality that we, as an Assembly, would and have allowed to happen.

Great emphasis has been placed on the Belfast Agreement and what happened in 1998. I never signed up to that agreement in 1998 and, irrespective of what some people feel we should or should not be looking at, I think that there are areas that need to be seriously looked at.

The Bill relates to ex-prisoners. Ex-prisoners are quite at liberty to work in the Civil Service in other areas, and plenty of positions are available. I do not know how many Ministers Sinn Féin has at the minute — I could probably sit down and work it out very quickly — but it is no more than four or five, including the deputy First Minister. If that is the case, Sinn Féin has a relatively small number of people associated with the 19 positions, and I feel that we have had quite a bit of what I call filibustering going on here this afternoon to try to drag this matter out. All the talking has been done. All the evidence that we have heard here was presented to the Committee. I support the Bill as presented.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leat as an deis labhartha ar an chuid deiridh den Bhille seo. Thank you for the opportunity to contribute to Final Stage.

Over the past number of months, the focus of the debate around the Bill has moved away from the issue of a special adviser or special advisers losing their jobs as a result of the Bill's provisions to how we deal with victims and the past. The SDLP has always adopted a rights-

based approach to issues here, and its record clearly shows that. Included in that approach are the rights of victims and a victims-based approach. I have brought victims issues to the House. Time and again, Mr Speaker, you will recall that I have brought motions to the Assembly in support of the families of the disappeared and their right to give a Christian burial to the remains of their loved ones. I have spoken here in support of the families of the Kingsmills massacre and of the victims of the Glenanne gang. I stood with the family of Paul Quinn in hospital when he died. I stood at his graveside, and I have raised the issue of his death on numerous occasions, including on the Floor of the House. I have supported victims of republican, loyalist and state violence, as well as victims of collusion, because I believe that that is the right thing to do. That is what the SDLP does, has always done and that is what I am doing here today.

I believe that the SDLP is the only party in the House that can lay that claim and has the record to prove it. We have no vested interest in hiding the truth of the state's violent actions, whichever agency carried them out. We have no vested interest in hiding the truth of loyalist violent actions, including their, and republicans', collusive actions with state agencies. We have no vested interests in hiding the truth of republican paramilitary violence, including that of the IRA. However, there are those with vested and personal interests in state and terror groups who have little appetite for a comprehensive process of truth. There are people who had command and control of organisations — state and non-state — who directed, conducted or approved appalling terror and violence, from whose thinking a comprehensive process of truth and accountability is removed.

Our efforts to amend the Civil Service (Special Advisers) Bill were aimed solely at creating better legislation, not at protecting any vested interests. You will recall, Mr Speaker, that much reference has been made to the Good Friday Agreement and the rights of ex-prisoners therein, and I respect those rights. However, that agreement also seeks to acknowledge and address the suffering of victims of violence, and we must stand by that. The Bill may affect a tiny number of an elite of ex-prisoners, but it will have significance for a huge number of victims from all backgrounds. It would be helpful if Mr Allister would make it clear that he recognises that there is a range of victims — victims of loyalist paramilitaries, victims of republican paramilitaries, victims of state violence and victims of state collusion with paramilitaries, both loyalist and republican.

There has been much talk about the Bill leading to the sacking of one Sinn Féin special adviser, but there is a certain irony in the fact that the only Sinn Féin special advisers who have been sacked to date have been sacked not by the Minister's regulations or by the Special Advisers Bill but by Sinn Féin itself. I will not mention all those sacked by name, but I will refer to one of them — Mary McArdle. She was sacked by Sinn Féin from her post as a special adviser. Sinn Féin might dress that decision up in some fancier clothes to hide the fact, but it is nonetheless a fact. She was not afforded an appeal mechanism of any type. Her employment and human rights were cast aside in the interest of Sinn Féin's political expediency.

We have to ask what message that sends out to ex-prisoners. What is Sinn Féin saying to former prisoners? "You can have a job with us, but, if it is politically expedient for us, we will unceremoniously boot you out of your post." I am sure that ex-prisoners are not reassured by that message, wherever they may work, but particularly if they work for Sinn Féin. What message does that send out to other employers or potential employers of ex-prisoners? What about the ripple effect of that decision? Sinn Féin had done Mr Allister's work for him before he even had a chance to draft the Bill. Is it all right for Sinn Féin to summarily dismiss ex-prisoners when it is politically expedient for them? Ex-prisoners should be aware that Sinn Féin has set a dangerous precedent. It believes that you can be summarily dismissed from your post if you prove to be a barrier to Sinn Féin's progress. There will be no court and no Civil Service Commissioners to hear your appeal. You will just have to pack up and go.

Of course, one has to ask why Sinn Féin sacked Mary McArdle. The answer to that question is very clear. Sinn Féin recognised that her appointment had inflamed the sensitivities not only of the family of the victims of her crime and not only of victims everywhere but of the public in general. So Sinn Féin attempted to assuage the ire of the public by sacking Mary McArdle. In doing so, they conceded the fact that there is an issue around appointing perpetrators to such positions. In sacking Mary McArdle, they have also conceded that there is indeed some basis to the Bill before us today. That was a major faux pas by Sinn Féin, which it has not even awakened to yet. All Mr McKay's filibustering was in vain when they have already conceded that important point.

My colleague Conall McDevitt has said that, to date, all we have to address the past is a patchwork quilt of mechanisms, none of which can bring the comprehensive and ethical approach that the SDLP has always advocated. This Bill is yet another pattern in the patchwork. It is not the long-term answer that all victims deserve. The past is present around us here, from Kingsmill to Ballymurphy, from the Newry customs bombing to Bloody Sunday, from Claudy to Glenanne, and across many other cases.

4.30 pm

Families, victims and survivors are speaking out in their search for truth and accountability. Those voices, as we heard recently, are resilient, articulate and fearless, and they have a wisdom that the pain of loss and the passage of time brings. The SDLP believes that the increasing strength of the voices of families, victims and survivors is a call to all that this phase of politics must comprehensively address the past and that that is a central issue around which politics should revolve.

We must clarify the terms of the debate on victims and the past. Clarity will not suit everyone, and it will not suit some vested interests. The SDLP position is that we must deal with those issues on an ethical basis, which means basic fairness and equality of treatment. That means that all victims — there is a legal definition of "victims" that we insist on — should get the same fair and equal treatment. Some people are both victims and perpetrators. We treat them all equally as victims but not as perpetrators.

That is the basis on which we approach the Bill. It is flawed, but in a situation in which victims are being so sadly neglected for political reasons, the lesser evil in this case is to abstain. That is an honourable and ethical position. I would like to think that the House could go further than the debate on the Bill to deliver an equal and ethical plan for dealing with our past. For the sake of victims and for the sake of the future, I hope that we do that.

Mr Nesbitt: It will not be a surprise to the House that I support the passage of the Bill. It would be more thought-provoking to say that there are circumstances under which I would not support the Bill. Those are circumstances that we might describe as an "ideal world". In an ideal world, I would not support the Bill because we would not need it. In an ideal world, we would not need the Bill because we would have already comprehensively agreed on

how to deal with the past. Had we done that, we would not need a day like this, when the House will divide, when society will divide and when victims and survivors will divide in their opinion about the worth of the Bill. It is worthwhile to focus for a few minutes on the broader context of how we deal with the past.

We have four processes: public inquiries; the Office of the Police Ombudsman for Northern Ireland; the Historical Enquiries Team; and Coroners' Courts. Public inquiries, by definition, look only at the activities of the state and those who were acting on behalf of the state, whether it is a group of paratroopers on the streets of Londonderry in the early 1970s or a train company responsible for a fatal crash at Paddington station in London in the late 1990s. Those inquiries look only at the state and the actions of those representing the state.

The Office of the Police Ombudsman for Northern Ireland, by definition, looks only at alleged wrongdoing by police officers.

There is the Historical Enquiries Team (HET). It reviews the cases of all conflict-related killings, but what does it review? It reviews files of the state, including those of the police and the army, but not the files of the IRA, the UVF or the UDA. It reviews only the files of the state and its agencies.

Finally, we have Coroners' Courts, particularly legacy Coroners' Courts, which come under the control of article 2 of the European Convention on Human Rights. Even our sainted Attorney General, John Larkin, admits that that is not a proper mechanism for dealing with the past.

Therefore, what we have in those four processes is an incomplete, imperfect and, most importantly, imbalanced way of dealing with the past, because it puts a focus on the state and those who operated on its behalf without an equal and reciprocal focus on the terrorists: the IRA; the UDA; the UVF; the INLA; and all the rest. The result is that we are rewriting history.

The Saville report led the Prime Minister to say that the actions of those paratroopers were unjustified and unjustifiable. That is a hard message for me as a unionist, but I have to accept the validity of the Saville report. In passing, however, I also have to mark the fact that Martin McGuinness said "under any circumstances" — in other words, under no circumstances would he discuss those who were in the IRA with him in that city at that time. When he was asked that direct question during the Saville inquiry, he said that he could not talk

about it because of a code of honour that he would not break "under any circumstances". Therefore, if we are going to discuss some sort of process for truth and reconciliation, let us remember that the deputy First Minister has said that there are no circumstances under which he will tell the full truth. However, the Saville report sits on the shelf with a validity in its own right.

What happens next is that the Police Ombudsman says that he has taken a look at the McGurk's Bar bombing and is not happy with the actions of the RUC. Perhaps that report has validity in its own right, but what happens to it? It goes on the shelf beside the Saville report.

Then, the then Secretary of State, Owen Paterson, says that he has been looking at the Claudy bombing and how we dealt with the priest who was believed to have been at the centre of it. He says that he is not happy and that he apologises for that. In its own right, that may have merit, but what happens? It goes on the shelf beside the report on McGurk's Bar and the Saville report, and we start to build a library of reports that paint the state, and those acting on its behalf, as the only villains, because the IRA shelf is empty, as is the UDA shelf and the UVF shelf. We are rewriting history, and we are putting a new focus on how we look at things.

I will give Members one example of that before I move on to the Bill. There was an incident in Londonderry in 1988 that became known as the "Good Samaritan bombing". The IRA was so keen to kill someone wearing a uniform that it hijacked and held a member of its own community — a man from the Creggan estate who was a member of the Catholic, nationalist/republican community. The IRA held him hostage in the hope that the neighbours would spot that he was missing and would ask the police to investigate, and it placed a booby-trap bomb at that man's flat. The IRA got it half right: after six days, the neighbours decided to do something about the fact that they had not seen the man. Rather than call the police, however, they took it upon themselves to visit the flat. They detonated the bomb, and three people died — three of the IRA's own community.

Surely the focus should be on why the IRA would think it appropriate to endanger members of its own community because of their bloodlust to kill someone whom it did not know who happened to wear a police uniform. Today, however, the focus is on whether the police knew about it, whether their knowledge came from an informant and whether they were so

keen to protect that informant that they did nothing about the bomb.

The question of informants when we are dealing with the past is valid. Of course it is valid. However, it is not valid to put the whole focus of blame on the police. They did not plant the bomb. The IRA planted the bomb, so we are rewriting history. The facts are there: we are rewriting history. We will continue to do so until we find a new, inclusive and holistic way in which to deal with the past. Until we do, we will have days like this and Bills like Mr Allister's Bill.

I have heard a lot of speculation and scaremongering that this is the thin end of the wedge and that we will move on to trying to stop people with conflict-related convictions from becoming teachers, and the rest. Of course not. If any Member of this House were a school principal who needed a new geography teacher for Key Stage 3, we all know that we cannot just pick up the phone to a friend and ask them to take the job. There has to be an open and transparent process. There have to be published criteria, details of qualifications and length of service and all the rest before you appoint the best person for the job. I suggest that, for the role of special adviser, we are talking about a unique bit of employment process. The criterion or criteria can exist in just the head of one man or woman called the Minister. It is the laying on of hands. One person can say, "I have decided that you are the best person for the job. I do not have to explain to anybody why that is."

The rest of us look at the appointment of Mary McArdle, which gave rise to this Bill, and ask, "What message does that appointment send out?" The message that Sinn Féin seems to be sending to the faithful is, "Do not worry. We may now be wearing suits and working up at Stormont, but we have not forgotten our roots." I have no evidence to prove that because I am not in the mind of the person who made the appointment. However, there is some evidence. Look at the co-options onto councils and into this Chamber. The expression "the most wanted man in Northern Ireland" springs to mind. There is evidence that Sinn Féin is sending out a signal with that appointment. The former deputy First Minister and SDLP MLA, Séamus Mallon, summed it up eloquently when he said that the signal was putting two fingers up to the unionist community.

Lord Morrow: Will the Member give way?

Mr Nesbitt: Yes.

Lord Morrow: Does the Member agree with me that, when Séamus Mallon made that intervention and said that it would be perceived and understood that Sinn Féin was putting two fingers up to the unionist community, which is true, he was, at the same time, addressing the SDLP? We must remember that, at that stage, the SDLP was in a state of flounder and lacking leadership and direction. It was only after the timely intervention of Mr Mallon that the SDLP got back some of its courage, albeit not entirely as we have now learnt that it plans to abstain. It was only then that the SDLP got back some of its courage and started to give some degree of direction.

Mr Nesbitt: I thank the Member for his intervention. I will let it just speak for itself. However, the two fingers were not just put up to the unionist community. Many people in the nationalist community would have been very upset by the news.

On the radio last week, I heard a current special adviser, Mr Kavanagh, whom we have discussed to some extent today. I have to say that I was disappointed in his entry into the public discourse on this issue. There are two reasons for that. First, he chose immediately to position himself as a victim with the argument, "I will lose my job if this goes through." Technically, he may be right. However, apart from the fact that he would be entitled to compensation, as has been pointed out, does anyone in this House believe that what happened to Mary McArdle is not what will happen to Paul Kavanagh? He will continue to be paid the industrial wage. He will continue to be valued by the leadership of the political party that he supports. There will be no material difference in his life. We have over 60,000 people seeking work today. How many people who lose their job do so in the certain knowledge that it will make no difference to their lives, that they will still get their pay, that they will still have influence, and that they will still be welcomed by their work colleagues? I was not impressed.

Secondly, Mr Kavanagh made it clear that he did not understand all victims. He has a basic point. Victims are not all the same. Of course, victims think differently and have different needs. However, Mr Kavanagh is a victim maker. We heard one of his victims on the radio this morning. He is a victim maker, so my question to him is this: to what extent has he reached out to try to understand the victims whom he does not understand? That victim said on the radio this morning that Mr Kavanagh had never made any attempt to contact him to say why he detonated that bomb.

As Mr Allister reminded us some time ago, the judge, in sentencing Mr Kavanagh, said that, the way that it was all set up, he would have seen the faces of the people he was about to blow to kingdom come with the flick of a switch.

And yet he has made no attempt to understand how those victims feel. That is disappointing, because Sinn Féin, as it tells us, is the party of respect. Its members demand respect for themselves, but what about respect for those victims? What about respect for Ann Travers?

4.45 pm

Again, on the radio the other day — I will come to that in a moment. There is something else about this. Whether people like Mr Kavanagh understand victims or not, there is no possibility that you could persuade me that Sinn Féin did not realise that, in making the appointment of Mary McArdle as special adviser, it would be deeply distressing to the Travers family. So what do you do if you really want to be victim-centred? You find a friend —

Mr A Maginness: Will the Member give way?

Mr Nesbitt: In a moment.

You find a friend, a neighbour, a clergyman, whatever. You get somebody to Ann Travers's house. You get them to say, "Ann, you need to sit down, I have got some really bad news for you. And when I say really bad, I mean unimaginable. What I am about to tell you is going to make you think that Sinn Féin is about to reward the person convicted of your sister's murder. When you pick up the paper or switch on the radio tomorrow, this is what you are going to hear, and you have got only a few hours to get over it." Did they do that? No. They let Ann Travers find out through the media. In communications terms, that is a punishment beating. The SDLP did not learn the lesson. How did Ann Travers find out that the SDLP is thinking of a petition of concern? By watching BBC television, where one of its Members let her know that way. That is not right.

I will give way to Mr Maginness.

Mr A Maginness: On the appointment of Mary McArdle, I would like to remind the Member, and indeed the House, that during the course of the Irish presidential election there was an intervention by Ann Travers in relation to Martin McGuinness's candidature. That was via a radio programme on RTÉ, in which she confronted Mr McGuinness and said that he

had failed to apologise adequately in relation to the death of her sister and had not condemned the attack on her father, who was a judge. She confronted him about that particular issue. So he was well warned, several months in advance of the appointment, that such an appointment would be grossly insensitive and create the reaction that it ultimately created.

Mr Nesbitt: I thank the Member for his intervention. I am sure that the facts are all solid. All I will say to him is that I believe that logic, common sense and an understanding of human nature would dictate that you would know how offensive and deeply hurtful that action was going to be. I ask the members of the SDLP to reflect again on how Ann Travers became aware that they were considering a petition of concern and whether, on reflection, it might not have been better to have picked up the phone. She tells me that you have her mobile number. I have her mobile number on my mobile as well.

I note that people like to say that Jim Allister is using Ann Travers, in the same way that people like to say to me and the Ulster Unionist Party that we are using victims in our objections to the peace centre at Maze/Long Kesh. Let us think about that. On Radio Ulster the other day a comment was read out from a member of the public — probably a political activist, but however. The presenter said, "Here is so-and-so with a comment." The comment was, "Shame on Jim Allister for using Ann Travers." The presenter was very quick to say, "I am sure if Jim Allister was here, he would deny that."

Just think about that. What is missing from that comment? What is missing is, "I am sure that if Ann Travers was here, she would be quick to say that that is not true." That comment plays into the narrative that victims and survivors are people to whom something horrific happened and that that has left them as passive people who are neutered, emasculated, cannot think for themselves and are utterly without the power to contribute to public discourse. What nonsense. Why do we have the phrase "victims and survivors"? "Victims" sounds like something passive, and "survivor" is the active and the person who has had something horrific visited upon them but has survived it, come through it empowered and can speak for themselves. Ann Travers can speak for herself. Jim Allister may be good, but he is not that good. He cannot use or abuse somebody of the stature of Ann Travers.

As I draw to a close, I want to touch on the idea that this is anti-agreement and anti-prisoner.

Page 25 of my copy of the Belfast Agreement has five paragraphs at the top half of the page under the heading "Prisoners". Paragraph 5 is the key. There is a commitment to the reintegration of ex-prisoners by way of employment opportunities, reskilling, retraining and educational opportunities. Fifteen years on from the Belfast Agreement, have we got there? No, we have not. Am I prepared to do my bit? I believe that I am. I have worked and continue to work with ex-prisoner groups in my constituency, particularly in Newtownards.

There is a working group on ex-prisoners sponsored by Martin McGuinness and Peter Robinson, and I have met it three times. The first time was one of the most remarkable experiences of my life as I sat across the table from a representative of the Provisional IRA, the UDA, the Official IRA, the UVF and the INLA. They all sang off the same hymn sheet about the three main issues of difficulties in securing employment, insurance and travel visas. I took that on board. The second time I met the group was not because it asked to see me, but because I asked to see it in order to bring a businessman who had ideas to put to it. The third time was because it asked for a follow-up meeting. So, I and the Ulster Unionist Party will do our bit.

We have heard about the recommendations from those most eminent of people: the late Sir George Quigley; and Nigel Hamilton, former head of the Civil Service. Their guidelines are now six years old. Have we done enough to implement them? I doubt it. Quigley and Hamilton made it clear that we are talking about 30,000 people who were in prison for conflict-related convictions. Never mind fairness and equity, but would it be sensible to try to build a new Northern Ireland leaving 30,000 people and their families disenfranchised? It would be madness. Whether we like it or not, we have to bring that community with us as we build a better Northern Ireland.

There is another message today. In a few days' time, when Drummer Lee Rigby is buried, I will stand for a moment's silence, and I hope that a lot of people in this country will stand in solidarity with Lee Rigby, in sympathy for the family, in support of the armed forces and in solidarity against terrorism. However, as I stand for that minute's silence, I will also be thinking about 8 April 1984. Lee Rigby was butchered by terrorists on the streets of Woolwich. In 1984, the Travers family lost their daughter and were lucky to not all be butchered by terrorists on the streets of south Belfast. No difference. No difference.

Today, we must send out the message to ex-prisoners that you cannot have everything and, to innocent victims, that you can have something.

Mrs Cochrane: I welcome the opportunity to speak at the Final Stage of this Bill. The Bill is not a perfect product, but we have had to take a balanced judgement on it. The Bill as originally introduced had as its core the primary objective of disqualifying prospective and existing special advisers with serious criminal convictions. It had secondary objectives, designed to produce a revised code of conduct and code of appointment.

At the Second Stage of the Bill, as Mr McKay pointed out, I stated that the Department of Finance and Personnel guidance had already moved to tighten protocols and that the review in 2011 strengthened the vetting procedure and moved it into line with the procedure applied for other Civil Service appointments. Alliance did vote against the passage of the Bill at that stage, as, instead, we believed that there was an opportunity to place the existing code on the appointment of special advisers on a statutory basis. Indeed, that is the essence of how we then tried to amend the Bill at Consideration Stage, and that would have perhaps been a neater and less controversial means of advancing this issue. Nevertheless, the introduction of an explicit appeal mechanism, albeit using some rather loaded language, is a major change from the original Bill, and the process has effectively stumbled towards placing the revised DFP code of appointments on a statutory basis.

As others have already stated, this issue has now become much broader than the words on the paper or the direct consequences of the legislation. It has become a focal point for highlighting the frustrations at the lack of recognition of the place and needs of victims in our peace process. Fifteen years from the Good Friday Agreement, we are continuing to address the past in a piecemeal manner, with demands for inquiries etc, instead, we need a comprehensive process for dealing with the past. Until we reach that point, we will have to make calls on individual matters that come before us. The challenge is to ensure that what we do is not fundamentally against the spirit and letter of where this society has evolved to over the past decade, and I do not believe that voting for this Bill goes against this.

Let me make it clear. Alliance supports the Good Friday Agreement and accepted the logic for the early release on licence of prisoners who were convicted of paramilitary offences before

1998. Not only did we support the Good Friday Agreement but we supported the St Andrews Agreement, which committed the two Governments to working with businesses, trade unions and ex-prisoner groups to produce guidance for employers to reduce barriers to employment and enhance the reintegration of former prisoners. That is a recognition of the much-reduced risk of reoffending, however it does not mean that we excuse what they did.

So, we support the agreements, but the agreements themselves do not solve our problems. They are a basis to work from, and I stand by my comments in previous debates that, as we endeavour to move away from our dark past and seek to build a better, brighter future for Northern Ireland, we will be faced with many issues that have the potential to cause hurt and pain, and legislation will not always be the answer. However, a degree of political maturity and mutual respect is also required if we are truly to take this society forward. Political parties must consider how their actions are perceived by others, including by victims. Perhaps if this had been the case, there would never been the need for this Bill to come forward.

In bringing my comments to a close, it is clear from the contributions thus far that we are no closer to dealing with the past in a comprehensive way. Until we agree a mechanism to do this, our political system will continue to struggle with a win-lose approach around a succession of individual aspects of the past. I hope that today's debate becomes a watershed and that parties genuinely start to move towards creating that process. We support the Bill.

Lord Morrow: I rise in support of this Bill, as has been intimated by my colleague Paul Girvan. Since this Bill first saw the light of day, it has been, to say the least, steeped in myth. It has been entangled with fact and fiction, and, sadly, as we move on to the conclusion of this Bill, unfortunately there are still Members in this House who are bent in keeping it in that position. I think that this Bill is worthy of the support of this entire House.

5.00 pm

Quite frankly, I think that there is something lacking in those who find the Bill offensive, find that it is in some way trying to get at some innocent person or persons, or that it is, in some way, selective in what it is trying to do. I do not think it is. It is a genuine and honest attempt to address an issue that is causing

considerable angst, not only in the House, but among those whom we all represent.

I have heard much today, and particularly from Mr McKay, who, I suspect is away for a lie down and rest, now that he has delivered his 40 or 50 foolscap pages that, obviously, were prepared earlier.

However, the Bill challenges the House and every Member of it. Directly, there is a challenge for those of us who tell the world at large that we are democrats and that we want to follow democratic procedure from this day forth. And I believe —

Mr Humphrey: Will the Member give way?

Lord Morrow: Yes, I will give way.

Mr Humphrey: I thank the Member for giving way. I tried to make an intervention when the Member for Newry and Armagh was speaking, earlier in the debate. I am pleased that he raised the issue. I welcome the shift that there has been in the position of the SDLP since the last time that we debated the Bill in the Chamber. That party's position was torturously worded in a petition of concern, which was then confirmed on television later that evening. That shift is welcome, whether it came because of Séamus Mallon, Bríd Rodgers or Ann Travers. The House and the people of Northern Ireland should welcome it.

I listened to the leader of the SDLP earlier this week say that his party would put victims first, second and third, and that the SDLP was about standing up for victims. At this late stage, I appeal to the SDLP and its leader, who is in his place, that, if they are really serious about standing up for victims — all victims, genuine innocent victims of the Northern Ireland conflict who have suffered at the hands of terrorists — then the SDLP should do the right thing, and go into the Lobbies with those of us who will vote for the Bill and not take the coward's choice of abstaining on it.

Lord Morrow: I thank the Member, my colleague Mr Humphrey, for making that very salient and valid point. As I said, there is a challenge in the Bill for all of us. It is time that the real men and women in the Assembly stood up. I believe that this Bill attempts to move society forward, and that it can do that to some degree. It will not take us to the final and ultimate goal, but it will take us in the right direction. If the House passes the Bill and brings it into law, it will send out a clear message that Northern Ireland is moving on

and wants to see things differently in the future. However —

Mr Hussey: Will the Member give way?

Lord Morrow: I will in a moment, yes.

I want to make it clear that Sinn Féin has an issue and it needs to address it. It is all very well for Sinn Féin members to go back into their camps, sit down among their own people and discuss what they will or will not do. I hear repeatedly from their chairman that they are reaching out to unionists. They would need to be a wee bit more explicit, and tell us what they mean by reaching out to unionists. They want to enter into dialogue with unionism; but they send out the wrong message today, if they stick to the position that they are in at the moment. I give way to Mr Hussey.

Mr Hussey: Had I followed the example of Mr McKay, I would probably have opened this book, 'Lost Lives', at page 1 and continued to read until tomorrow. We would have heard of all the lives that were lost in Northern Ireland. The Sinn Féin member seemed to make little of the fact that republican terrorism killed over 2,000 people. In fact, to listen to him, you would think that republicans did not really do anything. Any of them who were charged were innocent. They did not do anything; they were all innocent; and the corrupt British state brought them all to court and forced them all to plead guilty, and that was that.

There are hundreds of republicans who have not faced a court for the crimes that they committed; there are hundreds of loyalists who have not faced a court for the crimes that they committed — and they may still, despite the Bill, be appointed as advisers, or SpAds, to Ministers. However, he has to accept that the Member who spoke previously — Mr McKay — obviously made no attempt to accept that republicans were, and continued to be throughout the Troubles, a murderous gang.

Lord Morrow: I thank Mr Hussey for that. I also reiterate that Mr McKay missed a very good point when he was going through his 20, 30 or 40 foolscap pages, or whatever it was, when he listed ad infinitum all the alleged misdemeanours that fell upon republicans. Not once did he suggest that there were other sufferers here, and many who were innocent victims in this were discarded as if they were of no consequence.

If Sinn Féin wants to be taken seriously, it is going to have to change its message. It might

also want to change its messengers. However, Sinn Féin will certainly not influence unionism by standing in its trenches as it has done for the past 40 years. They tell us that they have moved on; they tell us now that the bomb and the bullet is not the way that they will take things forward. Well, that is welcome.

However, they need to do more than that. They need to ensure that they are not going to drag the past with them and, at every given opportunity, condemn the state for alleged misdemeanours.

I have something to say to the SDLP, because its members have been quite disappointing throughout the whole debate inside and outside the House. When the Bill was first introduced in the House, I think that it would have been taken as read that all Members, with the exception of Sinn Féin, would have signed up quite easily and quite clearly. Unfortunately, that was not the case. However, onto the scene stepped one from the past by the name of Séamus Mallon. Séamus Mallon is not a man that I always agreed with. Indeed, he was quite belligerent at times. However, Séamus Mallon put some things very vividly and very straight, and he challenged the SDLP quite clearly as to where it was standing and the message that it was sending out on the issue. I think that there are doves and hawks in the SDLP. The doves now have got beaten down by the hawks, the feathers have got mixed up and it is not sure who is in what camp any more.

During my time as Chairman of the Justice Committee, I had very strong representation made to me by the SDLP Member Mr Maginness: representation that I felt was justified. He spoke to me of the very sad situation — he also raised it in the Committee at the time — of the foul murder of Thomas Devlin. Thomas Devlin was a young lad of 15 years of age, I think, and he was done to death most brutally, barbarously and cruelly. Nobody but nobody who believed in the sanctity of life could in any way condone what happened to Thomas Devlin.

At that time, Mr Maginness asked me whether I would be prepared to meet the Devlin family, and I intimated right away that I certainly would. As a matter of fact, Mr Speaker, I would have looked forward to meeting the Devlin family to pass on directly to them my own personal condolences and condemnation of what happened to their young son. That did not happen, but I do not think that that was my fault, and I do not think that it was Mr Maginness's fault either, but it never happened. However, Thomas Devlin was, in my books, an innocent lad growing up into this world and one

day, hopefully, he would have made it, but he was deprived of that. It has to be said that that whole case touched everybody who has any morsel or degree of concern for their fellow human beings. The court case was heard by Sir Declan Morgan, along with Lord Justice Higgins and Lord Justice Girvan. In his summing up, Sir Declan Morgan said:

"The consequences of that night have been life changing and enduring. The emotional impacts and the effects on the mental health of the Devlin family have been profound and devastating."

I would like to challenge every MLA, whether they are in this Chamber or sitting watching in their offices, to take stock of what Sir Declan Morgan said, because I believe that every word of it is true. I believe that the Devlin family has been left with a legacy, and I suspect that no matter how long their lives might be, they will never get over the loss of that young lad.

I turn to the nationalist Members of this House today, and I challenge you directly. Can you live for five minutes in the shoes of the victims of Northern Ireland? They have been shamefully treated, and here is an opportunity today to state very clearly that we are going to try to put the past behind us. That is not in any way suggesting that we should forget it. We should endeavour to do all that lies within us to ensure that whatever we do from this day forth will send a clear message out to those who have carried out those barbarous deeds in the past, that they are not going to be in a privileged position should they continue down that road.

Sometimes in life we have to stand up and give an account, and if we do not do it on this earth, we will do it later in another life. There will be no ducking and diving on that day. There will be no ambiguous legislation to escort us through a difficult time, but while we are here as elected representatives, and whether we are here for a long or short time, we should send out a very clear message to everybody who wants to listen to us that the time for change has come. The time for taking difficult decisions has come. We have all had it to do. Some of us had to swallow very hard to get to where we are today, and some of us have been severely criticised for doing it.

I am leaving Sinn Féin out because I suspect that it is beyond the pale. As someone has already said, it is now bringing into its ranks, whether it is at council level or onto these Benches, those who have long criminal records and those who have been hardened in the war

of terrorism. I suspect that they are quite proud of that, and I suspect that if some of them — maybe not all of them — had it to do again, they would do it all over again with no regrets, no remorse and no thinking that they caused awful terrorism on innocent families, but, as one said, "So what?".

There are perhaps those in the ranks of the SDLP who have a conscience and a heart and want to move on in the future into a different society. You have a lot of thinking to do before you cast your vote today.

You may decide to sit on your hands, which would be marginally better than voting against the Bill. However, I say to you directly that that is not enough.

5.15 pm

The SDLP will very soon fall into the Sinn Féin category if it does not unshackle itself from the ways of Sinn Féin. You have in the past declared that you are against violence. I take that as read and do not doubt it. However, we unionists do not understand why prominent SDLP members headed up the campaign for the release of a man called Mr McGeough from south Tyrone, who was charged under due process through the courts in an open and transparent way and convicted for the attempted murder of my council colleague Sammy Brush. You headed up the campaign for the release of Ms Price. We do not understand why, and you did not explain it. If you did, it is clearly not getting through. You joined Sinn Féin in the naming of a children's play park after a convicted terrorist. You have all that to explain. They do not explain themselves. I say to the SDLP, "You will have to put your past behind you and unshackle yourself from Sinn Féin in whatever way you feel you have to do it to declare to the world at large that you and Sinn Féin are different, so different that you manifest it in your actions in the House and how you deliver your speeches and votes, because today is a defining day". It is a defining day in particular for nationalists in this House and this country.

I have no doubt whatsoever that there is no DUP or Ulster Unionist man or woman who would not stand with me in condemnation of the murder of Thomas Devlin. We would do that without equivocation. Nor is there is a shred of hope that those who did that deed would be put into a place of influence in the Office of the First Minister and deputy First Minister or any Department that we were in charge of, if they were in such a position. That just would not

happen. Why would it not happen? Would it be because we would be afraid of a rebellion from that side? No; the rebellion would come from this side.

Much more could be said. It was difficult for me to say what I have said, but I implore the House to take what, for some, will be a courageous step. However, it is a necessary step. We have to get the message out that the past will not be tolerated in the future. Supporting the Bill is one way to declare to all and sundry that Northern Ireland is moving on. We are moving into a better place. We want a better future for our children, grandchildren and those who come behind us.

Whatever political differences we may have — I suspect that there will be plenty in the future — let it be said that, when it comes to the denunciation of the taking of life, we will not be found wanting. I come from a border constituency; I know what genocide is like. I know what it is like to attend too many funerals in too many homes in south Tyrone, Fermanagh and on the Armagh border. As a border representative, I am acutely aware of the hurt and the pain that exists, but, today, we can take a step forward. I trust, Mr Speaker, that, in fact, the House will avail itself of that opportunity.

Mr Mitchel McLaughlin: Go raibh maith agat, a Cheann Comhairle. I was struck by the tone and the manner in which Lord Morrow delivered his contribution. He was making a serious effort at staying focused on the discussion before us and not contributing to any further exacerbation of what, I think, are quite raw feelings at the present time. Clearly, some of the discussions and the evidence that we heard in the processing of the Bill to this stage have revisited many of those very, very traumatic events that have created so many victims and survivors and traumatised an entire generation or, going further back, it might be more accurate to say "generations".

We have had problems in this society for a very long time. If we could come at the Bill on the basis that it is attempting in a substantive way to deal with some of the outstanding matters, then, perhaps, we could understand the motivations of the sponsor. Of course, the sponsor has made no secret of his feelings and hostility, to put it at its mildest, towards the Good Friday Agreement and the institutions of which this Assembly is one, perhaps the main one. He has made no secret whatsoever of his political ambition to damage and undermine that agreement, and his sympathy for Ann Travers has to be regarded in that light.

I spoke with Ann Travers when she came to the Finance Committee. I can tell you that it was a very impressive and emotional experience for me. Clearly, this was a grievously injured and traumatised human being, and it would have taken a heart of stone to ignore that. I certainly do not claim to have a heart of stone, and I made it clear to her that, although the discussion was difficult, it was not my intention to add to the suffering that she had already experienced. It is all the more regrettable for me that that suffering was caused by republicans.

In recent days, Ann Travers has made a very interesting reference to the victims and survivors of state violence and collusion. The silence of the response has been deafening. I think she has addressed the elephant in the room. The reason why we have made negligible progress in reconciliation and truth recovery is that we cannot get all the agencies or elements that have vital pieces of the truth to submit them and to commit to a common process of truth recovery that no section or organisation, including republican organisations, can evade or avoid. Until we do, victims will continue to get traumatised.

Consider, in the context of the Bill and its implications, what we agreed to 15 years ago and the actions that we took 15 years ago with the unionist party, the SDLP, the Alliance Party and the Green Party. We went out and sold the agreement. We did not sell parts of it; we sold all of it, including the section on safeguards, which is on page 5 of the agreement. There, it describes the institutions that the agreement would set up and the fact that it would provide protections for all. It uses the word "all"; it does not exclude prisoners of the conflict. In the section on prisoners, the agreement also describes the process and circumstances of the early release scheme. It did not throw open the doors of all of the jails; it released prisoners of the conflict. We recognised all those issues. We went out and sold an agreement that we signed with our eyes wide open. I know that the DUP did not go out and sell it. That party opposed it. It fought its argument. We heard it reiterated here today, 15 years later, that it does not support the agreement. That is that party's entitlement. Nevertheless, the issue was endorsed decisively. We had a national debate. We had a majority on the island, in the South and in the North.

Lord Morrow: I thank the Member for giving way. Does he accept that it is quite legitimate and proper to be for or against something provided that you do it by peaceful, democratic means and do not take up arms?

Mr Mitchel McLaughlin: With regard to the agreement, the answer is unequivocally yes. We had a situation and a society in which democratic rights were systematically and institutionally denied. I do not think that anyone with any wit of education, intelligence or knowledge of our history would deny that. It sowed the seeds of conflict and division. Interestingly enough, we had a situation in which — I made the point at an earlier stage of discussion on the Bill — Gusty Spence, no less, indicated that the revival of the UVF in the mid-1960s was at the behest of a member of the Unionist Party who argued that there was a need to stand up to what was then described as a republican plot, even though the IRA was in ceasefire. Of course, in very short order, the UVF was blowing up reservoirs and attempting to blame it on the IRA, as well as killing Catholics. If we are to deal with the truth, that is one aspect of our history that cannot be ignored.

We can get into "whataboutery", or we can have a system that is agreed. I want to come directly to the point that was just put to me by Lord Morrow: in circumstances where, in fact, people have democratic access and decisions are made, whether we win or lose on a particular vote, we all have an obligation to respect and accept. If the Bill goes through today, Sinn Féin will not be happy. I can tell you that. You, probably, could have guessed it. We will not be happy, but we will accept it as the decision that was made here. Then, we will go on with our business.

I know that Jim Allister has referred to my party's deep pockets. Let me tell him that we are already contributing out of our own pockets. Here, let me say that my party is guilty — very guilty — of standing by the obligations and commitments that are in the Good Friday Agreement. That includes commitments to former prisoners of the conflict. We have no hesitation about standing over our record with regard to inclusion and equality of opportunity and demonstrating that.

Mrs D Kelly: Will the Member give way?

Mr Mitchel McLaughlin: Yes.

Mrs D Kelly: If that is the case, can the Member explain to me why his party signed up to the St Andrews Agreement, which changed some of the Good Friday Agreement's core principles? Can he also explain why his colleague John O'Dowd said to three other parties in a television studio, "So what?"

Mr Speaker: Before Mr McLaughlin continues his contribution, I remind Members that we need to be careful that even interventions relate as far as possible to the Final Stage of the Bill.

Mr Mitchel McLaughlin: Thank you for that, Mr Speaker. I think that I could, in fact, demonstrate that, with regard to St Andrews and Hillsborough, those core principles — *[Interruption.]* I am getting barracked from the side. I want a bit of order from the SDLP.

Mr Speaker: Order. Members should not comment from a sedentary position. The Member has the floor. Order.

Mr Mitchel McLaughlin: I was making the point, Mr Speaker, that neither St Andrews nor Hillsborough interfered with the core principles of the Good Friday Agreement in any circumstances. The agreement — I have the document in front of me — provided for periodic reviews by which we could work collectively to improve its operation.

Among the core principles, which were not altered and are reflected in both Hillsborough and St Andrews, as well as the original Good Friday Agreement, is the section on prisoners. Not a word was changed.

My party is guilty of standing by the agreement. After today's vote, we might be the only party in here that is standing by the Good Friday Agreement as we all went out to sell it. Did some do that in a tactical way? Did some do it with the intention, over time, of departing from it? We can demonstrate to anyone —

5.30 pm

Mrs D Kelly: Will the Member give way?

Mr Mitchel McLaughlin: No. You got your chance, and you missed it.

Mrs D Kelly: I am wondering how the Member's party was selling the Good Friday Agreement.

Mr Speaker: Order. Once again, I remind the House that the Member who has the Floor decides whether he or she wants to give way. Let us move on.

Mr Mitchel McLaughlin: As someone who was there, I can testify to the commitment that we brought to the process. I can also testify to the difficulties that we had with some of the parties, including the party to which the Member who

spoke previously belongs, in convincing them of the need to be inclusive and to recognise that there could be no sustainable arrangements unless we broke with the past, which was a past of discrimination, victimisation and exclusion. On the face of it, that principle was accepted. We now see in practice that some are having difficulty with that. I argue — I will do so in any circumstance or forum — that this could be a very good day for the Good Friday Agreement and the Assembly if we return to those principles.

The Bill involves one job and is centred around the very harrowing and genuine suffering of one individual and her family, when, in fact, we are talking about thousands upon thousands of victims and survivors. We are talking about families who had no part nor part in the conflict but were caught up in its consequences through indiscriminate attacks or misfortune, in that they were in the wrong place at the wrong time. How often have we heard that terrible expression? The suffering of those families, as a result of a failure of politics to address those kinds of issues, went on and on.

I say "our opportunity" in the collective sense. I say it in the presence of people whom, I know, I can have a political disagreement with and we will remain on civil terms. I may have missed the comment that was made, but I have said before and I say to Ross Hussey today that our argument and disagreement with the RUC never depended on arguing that its members were all bigots or sectarian murderers. However, there is indisputable evidence that there were problems in the RUC and that there was sectarianism. One section of our community — the community that I come from — had no allegiance, trust or faith in it. The organisation —

Mr Hussey: Will the Member give way?

Mr Mitchel McLaughlin: I was not looking to provoke an intervention from you, but I would be glad to hear your comment on that.

Mr Hussey: I thank the Member for giving way; I am glad that he did. The RUC suffered horrible murders and injuries as a result of IRA activities. To this very day, should the term "RUC" be used, members of your party need to eat a clove of garlic to keep them from falling to pieces. They deliberately try to stop RUC officers getting jobs. If an RUC officer gets a job anywhere, they nearly ask for an inquiry. That is inbuilt into your psyche. The RUC was not all bad. Members of the Roman Catholic community could not join the RUC because of

threats from the IRA. Those who did join were persecuted by the IRA. I will give you one example: I will refer to the man as Michael. He was shot dead by the IRA in Londonderry for one reason: he was a Catholic serving in the RUC. The IRA made the RUC the bogeyman. It created that by continually attacking the RUC. The RUC was prepared to take on the IRA. I contradicted your colleague, who made very spurious remarks about the Royal Ulster Constabulary. I was never ashamed to wear my uniform. I got one big enough to fit me, and I wore it proudly.

Mr Speaker: Order. Let us not get into a debate about the RUC or any other issue. Let us return to the Final Stage of the Bill.

Mr Hussey: Prior to that, the same thing happened to the Royal Irish Constabulary.

Mr Speaker: Order.

Mr Mitchel McLaughlin: Let me say that if I have annoyed you, rather than helped you understand our position, I apologise for that as well, Ross.

If we accept, and this is my basic point, that there are problems on every side, nobody is an innocent victim in this, because their community or someone whom they knew or someone in their family history took a particular action. There is no one alive in our society today who started this conflict. We have an opportunity to end it. I think that we have brought the conflict in here today. I think that the Assembly does not measure up to the principles of the Good Friday Agreement, because we have returned to conflict. Perhaps it is only disagreeing, blocking each other, vetoing and all that unnecessary hassle that drags out the decision-making process. Is it any wonder that there are those in our community — some on my side, and I am talking now about dissident republicans — who are watching this and saying, "This is going to fall apart." Well, not on my watch. I think that that goes for everybody in my party. We will stand by the agreement in all circumstances, and we will conflict with and confront those who would attempt to destroy it.

As for the Bill, and clauses 2 and 3, I would argue that, for any fair-minded individual, we are talking about one job here. How is that going to help? Honestly, how can anyone argue that that will help the victims while we refuse to sign up to an all-embracing truth recovery process, which is something that would help victims and give them some sense of understanding of what all that madness was

about. We have had 15 years of opportunities to do that, and we have not taken the first step. This Bill actually drives a wedge between what, I think, was an emerging understanding — not a consensus at all — that there are different points of view to be balanced in here. My appeal to those parties, and I include the Ulster Unionist Party, which went out and won the argument among the electorate to support the Good Friday Agreement, is to reject this Bill and return to first principles. That is the challenge.

Whether it is the Green Party with its one vote, the Ulster Unionist Party, which in the present circumstances does not have the strength that it had at the time, or the SDLP, which is similarly reduced, they have an opportunity. The Alliance Party constantly tells us that it is for a shared future. How does this add to a shared future? What would former prisoners of the conflict make of the Alliance Party decision to vote for this Bill? Will it help one family that has suffered bereavement or trauma? Of course it will not. It might feed a sense of, "Well, the Shinnings got a poke in the eye." That is not going to put us off either. At the end of the day, shake your head, consider what this is about, consider the author of this mischievous legislation, get your nerve and either go out and sign a petition of concern, which is the appropriate response, or stop counting numbers to see whether you should get off the fence before the splinters get too painful.

Mr D McIlveen: I support the Bill. When I heard the first Sinn Féin contribution today, it reminded me of the words of Thomas Jefferson, who said:

"Speeches measured by the hour, die with the hour."

That can probably be said to represent that contribution quite accurately. It took a lot of time to deal with a number of contributions made to the Committee, but it was notably silent about a number of others. Perhaps, as part of my contribution, I will introduce a couple of those perspectives.

First, we have to listen, as the sponsor of the Bill said, to where this whole idea came from. What prompted this legislation? Ultimately, it was sparked by an incredibly misjudged, bad appointment made by the party opposite. That is really what this all boils down to.

Taking that a step further, it then came down to the hurt and anxiety that it caused an innocent victim of the terrorist campaign that the IRA was involved in for 30 years. To quote Ann Travers directly, when she spoke to the Committee, she

spoke about how this issue had been haunting her for 30 years; haunting an innocent victim of the Troubles for 30 years. To bring all this up again was one of the most insensitive acts that I believe Sinn Féin could ever have allowed itself to be involved in.

As part of that evidence, we were directed to a piece of research by a lady called Jenny Edkins. What she said about the trauma of victims was:

"What we call trauma takes place when the...powers that we are convinced will protect us and give us security become our tormentors: when the community of which we considered ourselves members turns against us and is no longer a source of refuge but a site of danger."

That is exactly what the appointment of Mary McArdle to this position did, not to all victims but certainly to this victim, who very courageously spoke out about her discontent and disgust at what Sinn Féin had done in appointing Mary McArdle to that position.

It will come as no surprise to Members on this side of the House when I say that I am certainly no advocate of the Belfast Agreement. However, the Belfast Agreement — or very selective sections of it — has been quoted quite widely throughout the debate. There is one part of the Good Friday or rather the Belfast Agreement that I want to refer to. It states:

"we...dedicate ourselves to the achievement of reconciliation, tolerance and mutual trust of all."

I ask Sinn Féin what has it done to win the trust of the innocent victims of the terrorist campaign by appointing Mary McArdle to that position? What has that appointment done to build trust, not just in the unionist community but among all innocent victims who have been affected by the Troubles?

There are times when we walk through the Lobbies of this place almost with a heavy heart. You walk through the Lobbies to make a decision, largely based on conscience and you cannot be completely sure whether it is the right thing to do. However, I can assure you that when I walk through the Lobby this evening in support of this piece of legislation it will not be with a heavy heart. I will be doing it as a tribute to the innocent victims who have suffered beyond measure, not just throughout the 30 years of the Troubles that we had here but as a result of the misguided, misjudged appointment that was made by the party opposite.

I have respect for victims. I do not want to see the victims of the Troubles treated like a political pawn that can be used in that way. I have nothing but heartfelt respect for the innocent victims of the Troubles we had in this part of the United Kingdom, but I think —

Mr Mitchel McLaughlin: Will the Member give way?

Mr D McIlveen: Yes.

Mr Mitchel McLaughlin: I want to make a simple point. Perhaps in your remarks you could explain what your party understands by "innocent victims". Who does it include and who does it not include?

Mr D McIlveen: I think that we can answer that pretty easily. It really depends on what side of the gun you are on. That is how I would describe a "victim". The person who pulled the trigger is not the victim. The person who is on the other side of the gun is the victim. Of course, we have to take it a step further when deciding whether they are "innocent victims" and the Member will know that. Perhaps to do that — I appreciate the challenge that has been given — I think that we should probably go back to 20 March 1977, when a man by the name of James McMullan, a reserve RUC officer, was ambushed in his lorry as he tried to get home from work. He drove through the ambush and the ambush was very clearly not successful in murdering him as it was its attempt to do. Now, was that the end of that evening? No, it was not. The terrorists, knowing very well that Mr McMullan was not at home because they had just seen where he was going, proceeded to go to Mr McMullan's home, open fire on his mother's house and, in the process, murder a 77-year-old lady called Hester McMullan.

5.45 pm

If we are calling this a "conflict", bearing in mind that the dictionary definition of a conflict is "a serious disagreement", what was Dominic "Mad Dog" McGlinchey's disagreement with Hester McMullan? What was Dominic "Mad Dog" McGlinchey's disagreement with a 77-year-old pensioner living on the outskirts of Portglenone? What was his disagreement with her? I would like to know what it was. The only disagreement that there could have been was due to the fact that, by accident of birth, she gave birth to a man who decided to join the Royal Ulster Constabulary, of which Mr Hussey has spoken valiantly today, and for which we have heard nothing but hatred and disdain from those on the Benches opposite. That is the

difference between an innocent victim and a victim. There is a hierarchy of victims, but it is a hierarchy created by the people on the Benches opposite and their comrades who, through 30 years of the Troubles, brought destruction, death, murder and terror to this country. We have to keep that in mind. That is what the difference in victims is here.

In conclusion, I appeal to the SDLP. I appeal to you because I know that you have had difficult decisions to make. I know that you are balancing conscience against the perceived views of the vast majority of your electorate, and I encourage you not to do that. Some of the most impassioned pacifistic views that I have heard expressed in the Assembly have come from the SDLP. If you are serious about deploring violence, I strongly encourage you not to abstain on this. Do the right thing. Vote with your conscience. Vote against violence. Vote against hatred. Vote against the provocation of innocent victims, which the party opposite shamelessly sought to advocate in appointing Mary McArdle as a special adviser. I encourage you strongly to do that, to do the right thing and support the legislation.

The debate stood suspended.

Assembly Business

Extension of Sitting

Mr Speaker: Before I call Mr McCartney, I advise the House that I have been given notice by Mr Peter Weir of a motion to extend today's sitting beyond 7.00 pm. Under Standing Order 10(3A), the Question will be put without debate.

Resolved:

That in accordance with Standing Order 10(3A), the sitting on Monday 3 June 2013 be extended to no later than 3.00am. — [Mr Weir.]

Private Members' Business

Civil Service (Special Advisers) Bill: Final Stage

Debate resumed on motion:

That the Civil Service (Special Advisers) Bill [NIA 12/11-15] do now pass. — [Mr Allister.]

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Beidh mé ag labhairt in éadan an Bhille seo. I will be speaking in opposition to the Bill, and I hope that Mr Weir does not have to get to his feet around 2.30 am to get another extension, but one never knows in these circumstances.

From the outset of the Bill's passage through the Assembly, Sinn Féin and I have said that, at its core, it was about denying employment to political ex-prisoners as special advisers. I suppose that I have to declare an interest, as I have done in every stage of the debate: I am a former political prisoner.

The whole thrust of the contributions in debates and in public by the proposer of the Bill endorses our view. He makes no secret of the fact that he sees this as an attack on Sinn Féin. He has said openly on a number of occasions that he does not want to see political ex-prisoners as special advisers. In my opinion, to portray or try to dress it up in other ways because it extends to other convicted people flies in the face of fact and reality.

I want to make again a point that I have made before: since the establishment of the Executive and the Assembly — indeed, in every Executive that has been in place in this House — there have always been political prisoners as special advisers in ministerial offices. I trawled to try to get some evidence of whether the proposer of the Bill, on any occasion while he was a member of the DUP, ever objected to a political prisoner being a special adviser, and I could not find any. Perhaps he did. Perhaps he made some public statement, but it is very interesting that, in all the commentary and all the debates that he has been part of through the passage of the Bill and on the airwaves, he never once said that he objected to a particular person at a particular time. I made that point because there are people here today who are entitled to express their views, but I think they have to be honest, open and frank about it. I made the point because people here are saying that they support the Bill, that they are doing it for all the victims and that they are doing it for

all the reasons that they outlined. I asked this question at the last debate and I ask it again: did any of them at any time in the past ever table a private Member's Bill to stop other political ex-prisoners who were ministerial special advisers? The answer then was silence. The opportunity is here. Perhaps someone did, and they may take the opportunity to do so again.

When Mr Nesbitt was the victims' commissioner, in all his meetings with OFMDFM, did he ever say, "There is an issue that I feel so bad about that I want to express a view. You currently have in position within the Executive, under ministerial control, special advisers who are ex-political prisoners"? Again, I trawled to see whether there was some public expression of that, but I could not find any.

Mr Nesbitt: I thank the Member for giving way. I ask the Member to recollect that I applied for what was a single job as a victims' commissioner and, for reasons that people will make their own minds up on, the then First Minister and deputy First Minister decided to appoint four co-equals. That is like trying to run a company with four co-equal chairs or chief executives. I assure Mr McCartney, Mr Speaker, that I tried very hard to make that work, and I believe that the other three genuinely tried hard to make it work, but it failed. The proof that it failed is that, when it came to the end of the first four-year contracts, the First Minister and deputy First Minister chose not to deploy the option of offering the remaining victims' commissioners the one-off extension for another four years. They chose to readvertise and appoint a single commissioner. So, I believe that my hands were tied as a victims' commissioner, as, indeed, the other three commissioners at that time probably felt that their hands were tied. I hope that explains it.

Mr McCartney: In some sense, you gave a sense of what you feel were the inadequacies of the particular office, but I have pulled out statements and seen statements in which you and the other three commissioners made observations. Perhaps you made them with those constraints, but you did not shy away from making observations about other things. That is why I asked the question. In my opinion, it was not an issue for you when you were a victims' commissioner to the extent that you brought it to public attention. I have asked people that question, and I said it at the last debate. It is the same for Séamus Mallon. Séamus Mallon has been praised by Lord Morrow today for his intervention. When Séamus Mallon was deputy First Minister and

sat around the Executive table, he sat in the full knowledge that there were special advisers as part of the Executive that he was jointly and co-equally chairing who had been political prisoners. It did not seem to concern him. So, I ask people: what has changed? It is very difficult to find out what has changed.

I am sure that we can all be guilty of this. There are times when we perhaps hear something on the radio and we can rebut it because it suits us, or leave out a particular phrase or sentence. This morning, the proposer of the Bill referred to a Radio Ulster interview last week given by someone he called Mr Thompson. He said that he was wrong in his observations about Private Ian Thain, a former British soldier who was convicted of murder. However, the same person asked Mr Allister — or suggested, and there was no rebuttal — whether he campaigned for the early release of the two British soldiers who were convicted for killing Peter McBride. He then went on to ask him whether he campaigned for those same two British soldiers to be reinstated to the British Army, and there was no rebuttal. He has the opportunity here today to say whether that is an accurate reflection of his position. Did he campaign for the release of two British soldiers convicted of murder? There was no due process involved in their release. It was an intervention by the British Secretary of State, who decided to release them earlier, and she made no apology for doing so. There was no process, no life sentence review commission process, nor were there any terms on their release. They were reinstated into the British Army.

Mr Allister tells us that this is about all victims and that the Bill is for all victims. Did he campaign for the early release of those soldiers and their reinstatement into the British Army? That is why we contend forthrightly and, I hope, not in an insensitive way towards other people who are concerned that this issue affects them, that Jim Allister has come at this on an anti-republican basis.

He stood in this Chamber today and said that he would have no objections if ex-prisoners were given jobs in other places. However, his record is the opposite of that. Quite recently in Derry a woman was appointed as a school vice-principal having gone through all the vetting and all the procedures on merit. Jim Allister called publicly for her to be sacked. Why did he do that? Quite simply, it was because she was a political ex-prisoner.

Sometimes, you have to remember what you say one day when you come into this Chamber

and say something different, because there will be people here to remind you. *[Interruption.]* You can laugh from a sedentary position if you so wish.

Mr Kennedy: It would appear that Mr McCartney has come to the Chamber armed with many questions, many of which are rhetorical, but I will ask him to answer a question. With the benefit of hindsight, what is his opinion and that of Sinn Féin as to whether the appointment of Mary McArdle was a proper appointment?

Mr McCartney: It goes without saying that I believe that political ex-prisoners should be open to all terms of employment. My position on that goes without saying. There is no ambiguity; I have stated very clearly that I believe that former political prisoners are entitled to full employment. There should be no legal barriers to them being active citizens in the island of Ireland. That is my position.

I declare an interest as a former chair of Coiste, which Mike Nesbitt said today that he met. It would be hypocritical of me to say that, in one sense, I am for removing all legal impediments and then, in another breath, saying that, perhaps, I am not. On that thread, Mr Nesbitt made some very interesting observations last week and today, again on Radio Ulster, when he said that he would like to see the day when a person is not seen or considered as an ex-prisoner because of something that happened yesterday, but would be making a contribution for the future.

I agree with that. One of the first people to bring that to our attention was the first director of Coiste, a man called Mike Ritchie, who was not a former political prisoner. At the press conference for the launch of Coiste, a member of the media asked him how long would an ex-prisoner remain an ex-prisoner. He gave a forthright and foresighted answer, which was that as long as there is legislation in place that defines a person as an ex-prisoner, that is how long a person will be an ex-prisoner. Today we are, in law, defining someone as an ex-prisoner and, therefore, that person will always be classed as an ex-prisoner ad infinitum. That is why I oppose this Bill.

I hope that I am not doing that in a manner that is in any way insensitive to the needs of victims. Today, we heard people taking about that. On a number of occasions in the past week, there has been mention of a sense of a moral compass, as if, in some way, there is a place that you go to be given a moral compass that has the same reading for all of us on all issues.

The world we live in is not like that, and I have said it in this House before.

I heard someone today talking about taking a go at the SDLP and, perhaps, taking a go at us for campaigning for the release of Marian Price. I have made the point here before; how many unionists in the past — in my opinion, quite rightly — campaigned for the release of the UDR four? They believed that the UDR four's convictions were unjust. To me, standing in silence when someone is convicted in unjust circumstances is worse. When people sometimes do something that they believe is right, you cannot have that moral compass that says that you are wrong in that circumstance, but in a different circumstance, I can be right.

That is why I issued the challenge today to the proposer of the Bill. He has not rebutted it.

He campaigned for the early release of two British soldiers and for their reinstatement into the British Army.

6.00 pm

Mr Allister: Will the Member give way?

Mr McCartney: No, I am not giving way.

Mr Allister: In order to challenge.

Mr McCartney: No. I gave you the chance, and you did not take it.

At the core of the issue is discrimination. I made that point during Further Consideration Stage. People have tried to dress this up by saying that it affects only a small number of people, as if in some way it is acceptable to discriminate against a small number of people. I do not agree. If you lay the basis for discrimination on any group of people, all you are doing is opening the door to make it easier for other people to use that argument and say, "If you did it for those people, why can you not do it now?"

That also gives rise to a question, which I pose in particular to the SDLP: what is the purpose of the Assembly? What is one of the key functions of the Assembly? One of the key functions is in our title "MLA": legislation. We are tasked to legislate. Most reasonable people would say to legislators that their job is to bring about good law, in the same way that they would say that if you feel that something is bad law, you should do all that you can to stop it from happening. Nobody, in the round, would disagree with that.

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

Numerous pieces of legislation have been brought to the Floor, people have spoken in favour of them, and people have spoken against them, tabled amendments and tried to mould the legislation. However, at the end of the process, we all want to be in a position in which we can say that it was part of a process of trying to make good law. That is why I have a particular issue with the SDLP.

The SDLP is on record as saying that the Bill is bad law. During Further Consideration Stage, Dominic Bradley said:

"I hope that my arguments and our amendments prevail here today. As I said in my remarks earlier, we stand with the victims, and we stand with the proper process of law. If we cannot achieve that, the SDLP will oppose the Bill and ensure that the wrong process will not pass." — [Official Report, Vol 85, No 3, p38, col 2].

That is a good position, but if you say that, you have to act on it. If you say that something is bad law, people will ask why. If you articulate why it is bad law and are then given the opportunity to prevent it from passing, people will quite rightly ask that if you had an opportunity to prevent it, why did you do nothing about it. There is silence from the SDLP, and it will not be forgiven for that. In the same debate, Alban Maginness made a similar point:

"It is important that we make good law." — [Official Report, Vol 85, No 3, p55, col 1].

He then went on to explain why the Bill is not good law. By not opposing the Bill, in future debates, people will be able to look you in the eye and say, "Where do you stand on good law or bad law?" It will be difficult to know your position.

Allowing for what was said in the debate, because in the heat of debate, we sometimes say things that we might not otherwise have said, the following day, the SDLP press release read:

"For the SDLP, the acid test for dealing with the issue of special advisers has always been the rights of victims enshrined in the right legislation. We cannot support this bill as it stands unamended."

Mr Mitchel McLaughlin: Will the Member give way?

Mr McCartney: I will, surely.

Mr Mitchel McLaughlin: On that point, which you are setting out in such detail, will you confirm that the SDLP Whip approached us after Further Consideration Stage, because the party's amendments were not accepted, and told us formally that its Members would sign the petition of concern?

Mr McCartney: That is on record. In fairness, some SDLP Members confirmed that. The SDLP has not contradicted the view that the Bill would make bad law, and it should act accordingly. It is as straightforward as that. I did not hear Dominic Bradley refuting that view in any way. I see scratching about for excuses, and perhaps that is the tendency when you find yourself in a bad position or a position that you are not comfortable with: you strike out and come out with things such as Mary McArdle being sacked and having no appeal mechanism. It just rang a bit hollow.

At Further Consideration Stage two weeks ago, Alex Attwood talked about mass discrimination in prisoner release. There is no prisoner release in this Bill. However, this issue will not go away, because the issue of ex-prisoners will not go away. One of the reasons that the issue of ex-prisoners will not go away is because it is enshrined in the Good Friday Agreement. There is a very determined group of people who feel that the agreement offered them certain expectations that have not been delivered. Why would they go away? Why would you not want ex-prisoners to stand up and say, "The agreement said a, b, c and d. We want that delivered."?

Mike Nesbitt spoke about public inquiries and said that they are all state-based, but that does not stand up to scrutiny either. There was the Billy Wright inquiry. There was the Smithwick inquiry in Dublin, which was about killings that were carried out by the INLA and the IRA. He used the example, in England, of the Paddington —

Mr Nesbitt: [Interruption.]

Mr McCartney: You said that it is all about the state, but it is not all about the state. That is why you have to be very careful when you make absolute statements. You even talked about the inquiry into the Paddington rail crash as if that is the only type of public inquiry. There was a public inquiry into Harold Shipman, who was a doctor. Public inquiries can be used when they are the right thing to do to put society in a better place.

Mr Nesbitt talked about the idea that there is a shelf and all that it contains are state files. Mike, there were cells that were all filled with republicans. Very few cells were filled with state forces. Therefore —

Mr Attwood: Will the Member give way?

Mr McCartney: Yes.

Mr Attwood: I was not going to ask Members to give way, but I did so to make this point. In Mr McLaughlin's contribution, he said that Sinn Féin:

"will stand by the agreement in all circumstances".

You can check Hansard to that effect. If you believe that this legislation is discriminatory against a small or large number of people, can you explain to the House why Sinn Féin undid the values of the agreement when it abandoned d'Hondt when it came to the appointment of a Justice Minister? If your contention is, to quote Mr McLaughlin, that you stand by the agreement "in all circumstances", can you explain to the House why you did not stand by the agreement in that circumstance and why, as a consequence, your party voted to discriminate against the electoral mandate of parties in the House? Can you explain that contradiction?

Mr McCartney: If you go back to Hansard, you will see that Mitchel McLaughlin talked about the core principles. I sit on the Assembly and Executive Review Committee. I suppose that you could say that nowhere in the Good Friday Agreement does it state that the Justice Department should be formed and brought back to the North. We articulated that that was in the best interests of the Good Friday Agreement and would strengthen it. At the time, we were told that we were living in cloud cuckoo land. That was either your quotation or Séamus Mallon's. Other people told us that it would not happen in political lifetimes. In the Assembly and Executive Review Committee, we are talking about the size of the Assembly and the number of Departments. What Mitchel McLaughlin talked about and what he meant was the core principles. The core principles of the Good Friday Agreement promoted equality. This is not about equality. It is about —

Mr Attwood: Will the Member give way?

Mr McCartney: No, I will not give way.

Mr Deputy Speaker: Order. I remind all Members that they should relate all their comments back to the Bill. This is the Final Stage of the Civil Service (Special Advisers) Bill. We have shown considerable latitude, but I ask Members please to relate their comments to the Bill.

Mr Attwood: Will the Member give way?

Mr McCartney: No, I will not give way. You will have your opportunity to speak, and I am sure that you will make the points that you have to make.

Mr Attwood: I will give way to everybody.

Mr McCartney: OK, good man. You are an absolute gentleman.

A point was made about legal opinion. We have sought legal opinion. A senior counsel told us that, in his opinion, there is a possibility that the Bill breaches the European charter. As all good lawyers will say — I think that Alban Maginness will appreciate this as well — that it is their opinion. However, the ultimate test of all this will always be in the courts. Therefore I have absolutely no doubt that, at some time in the future, this will be subject to someone saying —

Mr A Maginness: Will the Member give way?

Mr McCartney: I will give way on this point.

Mr A Maginness: You understand that the SDLP did not bring amendments capriciously, for the fun of it or to be perverse. But we did bring amendments in relation to the retrospective aspect of the Bill. We brought those amendments to this House. What did you do, Mr McCartney, in relation to those amendments? You, along with your colleagues, voted against them. You have quoted us as saying that we want to make good law. We stated in this House, on a number of occasions, that we want to make good law —

Mr Deputy Speaker: Could all remarks be made through the Chair, please?

Mr A Maginness: Yes, I am finishing my remarks now. I want to deal with the point that the Member raised. Making good law means bringing amendments. If you had assisted us to pass those amendments, there would be no problems in relation to the retrospective aspect of the Bill.

Mr McCartney: In very straightforward terms, and as was said during the course of the debate when Daithí McKay addressed it earlier today, we made a decision. We made a decision then, and you can confirm or deny this, because we were told after Committee Stage that this would fall; that through a petition of concern it would be blown out of the water. All those things were said. What we were saying, at the previous stage, before it came this far, was that that was the end. At its core, this is about discrimination. It is not about trying to dress it up with amendments to pretend that, somehow, if it is not retrospective, it would be just. For us, and this is the core principle, we believe that political ex-prisoners should not be debarred from taking up those positions. Nothing could be plainer. It is good that Alban Maginness, even as late as now, is saying that this is bad law. I think, as a legislator —

Mr A Maginness: You could have made it better.

Mr McCartney: Are there degrees of bad? What is bad, what is badder and what is baddest? If it is bad law, it is bad law. Your amendments were all defeated. You put up the challenge to Jim Allister asking him to change his mind. I could make the observation that he slapped you down; he did not even give you a bit of respite or cover to try to pretend that somehow you had made some big advance. He said no. The reason he said no is that he wanted to ensure that Paul Kavanagh was put out. *[Interruption.]*

Mr Deputy Speaker: Order. I ask that all remarks be made through the Chair. The only one who should be speaking in the Chamber is he who has the floor.

Mr McCartney: And perhaps "she" an odd time as well, Mr Deputy Speaker.

The reason we opposed the Bill at the previous stage was, as we articulated, that there was going to be no room for ambiguity. If it is bad law, it should be defeated. Even today, I make the plea that even at this late stage the SDLP should do the right thing; whatever it considers the right thing to be. In my opinion, I do not think that anybody thinks that the right thing in these circumstances is to abstain. This sort of talk of the lesser evil is not the way that we should be talking about law. It is either good law or bad law. If it is bad law, you should act accordingly. If you think it is good law, as some Members here do, act accordingly. However, I do not think that you can afford to sit on the fence.

This type of motion has been in the flow. Mike Nesbitt is right; the working group and individual ex-prisoner groups have met a number of organisations promoting the welcome language, as was said today, of trying to assist people to get employment etc. In Newry and Mourne, on Sean Rogers's council, a motion was passed to say that:

"This Council continues to adhere to its policy for recruiting people with ... conflict related convictions."

It goes on to endorse the statement that the Good Friday Agreement commits us all to assisting former political prisoners to play a full part in building a new society based on employment, to ensure that all former political prisoners are allowed to compete for employment on exactly the same terms as every other citizen. That is what the SDLP members voted for. It is a sentiment that I agree with. The tone, direction and fundamentals of the Bill contradict that.

In my opinion, if you tell the public that you are going to do something, you should deliver. I am saying today, as Mitchel McLaughlin said, that abstaining on this only leaves you looking — I hate using the term — as if the headlights are too strong for you.

6.15 pm

Dr McDonnell: I am glad to be able to speak for a few moments. I will be as brief as I can because I want other colleagues to have the opportunity to speak as well. At the outset, I congratulate those who have been constructive and positive in a difficult discussion. I have been deeply touched by all the advice, guidance and concern for the SDLP and all its issues and concerns. However, I will leave that for the moment and come to the Bill.

For the SDLP, this Bill and this debate has always been about victims. That is all victims: victims of the IRA and its associates; victims of loyalist murder squads; and victims of state murder squads and state forces operating in some sort of official capacity. It is not about discrimination against ex-prisoners, despite the significant scaremongering, clouding and fogging that has happened. The fog and nonsense that emanated for some two hours from my colleague on the right and the contradictions that were contained in that would have been amusing had it not been such a serious issue.

It is not about a hierarchy of victims, as Sinn Féin has been trying to spin in its despair. The SDLP's position on victims has always been consistent and clear. For us, there is no hierarchy of victims. All victims are entitled to justice and to equitable and fair treatment regardless of circumstances. Membership of a political party or employment by a political party does not increase their entitlement or preference, but, equally, that employment does not entitle them to priority over another victim. We support the official, inclusive legal definition of victims, and we have opposed any challenge to change that definition and to exclude or prioritise any group. I am sorry that that is not the case with others, because many of the political groups in this House pick and choose. They claim to be in favour of all victims, but some victims are more important than others.

The Victims and Survivors (Northern Ireland) Order 2006 defined a victim as:

"(a) someone who is or has been physically or psychologically injured as a result of or in consequence of a conflict-related incident; (b) someone who provides a substantial amount of care on a regular basis for an individual mentioned in paragraph (a); or (c) someone who has been bereaved as a result of or in consequence of a conflict-related incident."

The SDLP has accepted and supports that definition and believes that it should be the basis of dealing honestly with all victims. Within that definition, there can be no distinction.

Mr Mitchel McLaughlin: Will the Member give way?

Dr McDonnell: All victims must be dealt with honestly on the basis of their need for support, whether for medical or other services. Yes, I will give way.

Mr Mitchel McLaughlin: Thank you very much for giving way. While you are setting out that position, could you explain how you apply the pecking order to that?

Dr McDonnell: I presume, Mr McLaughlin, that you are referring to some of your agents yesterday spinning confusion. They did quite a bit of it. This is part of the Sinn Féin effort to deflect from the issue. If you want to get down into the bones of the issue, we will get down into the bones of the issue. I am quite capable of getting down and dirty with them. I will spell it out for Mr McLaughlin, who seems to be a bit of a slow learner sometimes. I spell it out like

this: a Sinn Féin employee or one of its elite has no priority over any other victim, and a perpetrator has no priority over any other victim because he is a perpetrator. Is that simple? Is that clear?

Mr Mitchel McLaughlin: You said that the pecking order —

Dr McDonnell: I am saying that he gets no pecking order, right? If you want pecking order —

Mr Deputy Speaker: Order. All remarks must come through the Chair, please.

Dr McDonnell: Mr Deputy Speaker, I know what I said, and I know what I meant. I will have a class for slow learners at some stage, if they need that. Some of those who were perpetrators in the conflict are victims.

Mr Mitchel McLaughlin: On a point of order, Mr Deputy Speaker. Is it appropriate for a Member to deliberately mislead the House, given that he made statements on public television 24 hours ago?

Mr Deputy Speaker: That does not sound like a point of order to me.

Dr McDonnell: Some of those who were perpetrators in the conflict are victims, and, as with all victims, their needs must be met, but there is a moral issue to this as well. Let me be clear: there is no moral equivalence between the perpetrator who guns down or blows up an innocent mother, father, son, daughter, brother or sister or indeed any other victim. There is no moral equivalence. Reflecting on where we came from on this and why this blew up, people such as Mary McArdle may be victims of the conflict. Indeed, we could all claim, in some way or another, to be a victim of the conflict, but these people have had choices and have had the opportunity to move on with their lives and careers. Mary Travers had no choice. She had no choice when she was ruthlessly and brutally gunned down coming out of Mass. I pose the question: what was her crime? What crime did she commit?

We have heard much about the truth and about truth and reconciliation. It is not entirely a secret who shot Mary Travers or who shot her father and left him for dead or who tried to shoot her mother. Some of the people who know that should start telling the truth, but this is a truth that Sinn Féin so vehemently continues to deny. They may deceive themselves, but they are deceiving nobody

else. Mary Travers was a victim. Her father, Tom Travers, was a victim, and her mother, Joan Travers, was a victim who had a gun put to her head, and three attempts were made to shoot her. It misfired. Her sister, Ann, was a victim and remains a victim, as are the rest of the family.

Earlier, Raymond McCartney quite rightly asked what has changed from the earlier days. In debating and discussing this Bill, it is important to keep in mind exactly how we arrived here, and that was a very worthwhile question. I will go back through it. During the Irish Republic's presidential election, it was put to Martin McGuinness by Ann Travers that his party, Sinn Féin, should do something for victims. The Sinn Féin cynical response to that was to, within a few weeks, appoint someone who had been convicted of Mary Travers's murder as a special adviser. To people such as Ann Travers and a lot of other victims, that looked like a reward. In that context, what message did that send to all those victims and survivors? The message that I think that it sent was that, for Sinn Féin, the issue is not about a hierarchy of victims but rewarding the hierarchy of Provo perpetrators and the needs of its elite. We are not talking here about the whole swathe of 30,000 prisoners that was mentioned earlier. We are talking about an elite and its rewards for services rendered. In Sinn Féin's books, the rule is that that elite should take priority over all the victims. I cannot agree with that, and I will not.

Sinn Féin takes the same hierarchical approach to the past. It talks about truth and accountability. Earlier, we heard calls for a truth commission, but we have not seen anybody coming forward to tell the truth. We could do with one or two volunteers who might tell us the truth. Over the past few weeks, we have had various shows of hands on dealing with the past. It is chilling and clear.

It is all about the politics of exclusion: one set of rules for them and one for the rest of us. Sinn Féin aggressively says that their demands and needs come first, and the need of everyone else comes last.

Two weeks ago, Gerry Kelly described a prosecution for murder as vindictive and unnecessary. In a word, Sinn Féin was telling us that prosecutions for past crimes were to be excluded and that their chosen elite was above the law that the rest of us have to obey. Then, some few days ago, Mr McLaughlin told us that the process of reconciliation could be separated from the truth. He was saying that IRA accountability for the past was to be excluded,

the truth did not matter and we could have reconciliation built on froth and dishonesty. Today, when Sinn Féin spins a story about one special adviser and the one job that might be lost, they are saying that Sinn Féin's needs come first and those of others can be ignored or excluded. Again — this point was made earlier — if Sinn Féin was really opposed to the SpAd losing his job, why, in the name of God, did they vote against the appropriate amendment that would have made that impossible?

Over the last few weeks, there has been a rolling out of a deliberate and calculated aggressive strategy with all the callousness that Sinn Féin can muster. What that says to all of us is that, for Sinn Féin, there is no prosecution, no truth, no accountability for the past and that their individual needs take precedence over those of everyone else. That is the opposite to a comprehensive and ethical approach to the past, the need for which has been brought again into sharp focus as a result of the Bill. The Sinn Féin approach is based on double standards, exclusion and self serving to protect those in its own ranks who have quite a bit to account for.

In its approach to the Bill, Sinn Féin can complain and throw abuse and insults and try to intimidate, but it backed Jim Allister repeatedly in voting down SDLP amendments. In their approach to the process of truth and the potential for prosecution, Sinn Féin members have exposed themselves. They have clearly an "Ourselves Alone" attitude and are trying keenly to relive and revive the politics of exclusion: there is them and then there is the rest of us. If we work that approach out to its logical conclusion, God knows where it will end up. The exclusion of truth and prosecution for the past actions of the IRA or any other paramilitary organisation or, indeed, official military organisation results in the exclusion of truth and the potential for prosecution for the actions of the loyalists and state agencies as well.

It does not take us to go back to far, just a couple of years, to recall when Sinn Féin worked very hard to create an on-the-run Bill. They tried to do the dirty deal with the British whereby they would give a bye ball — a free pardon — to all the security force and loyalist crimes, a clean bill of health in exchange for letting off a few of their guys. The politics of exclusion, Sinn Féin style, are "One law for us and a law for everyone else". It serves only their own interests and the interests of the loyalists and state agencies, who equally wish to suppress any truth or exposure of the past. We in the SDLP will not —

Mr McCartney: Will the Member give way?

Dr McDonnell: I will, Raymond.

Mr McCartney: Thank you for giving way. In your presentation, you said that I asked, "How did things change?". You said that, during the presidential campaign, Martin McGuinness was asked what he would do for victims and then, subsequently, Mary McArdle was appointed special adviser. Mary McArdle was appointed a special adviser prior to the presidential campaign.

Dr McDonnell: Thank you very much for that. I stand corrected in my sequencing of events. Whatever the detail of the timing was, there is a deep sense of grievance felt by victims over the appointment of Mary McArdle. It is as simple as that.

We must deal with the past in a comprehensive and honest way, and that is the deeper truth behind the Bill. I have no difficulty in saying that it is a flawed Bill. However, it has put a sharper focus on victims and victims' issues than ever before, and it is the duty of all of us here who claim to support victims to keep up that focus until there is a solution. For 15 years, victims have been, at worst, forgotten and, at best, manipulated. To my mind, the Eames/Bradley proposals were the most significant approach that we have seen over the years in dealing with the past. They were sidetracked on a single financial issue, not on their main substance. It is time to examine them again. It is time to commit to a sustained, honest and open approach to victims that is honourable and worthy of alleviating their continued distress.

6.30 pm

Mr Cree: It is nice to be on my feet. I have written it down that I will begin by saying that I am pleased to see the legislation at Final Stage today, but it has been a long day, and it looks as if it will be a longer evening.

I am a member of the Finance Committee, and there were times when it looked more likely that the Bill would fail. I am pleased that that has not happened. It must be remembered that the Bill applies to any person convicted of a serious offence, not just to terrorists. Legislation from an individual Member is not an easy task, and many of my party colleagues will testify to that as they undertake work on a number of private Members' Bills.

This has been high-profile legislation, probably because it came as a direct response to the highly contentious appointment of Mary McArdle as special adviser to the Sinn Féin Culture, Arts and Leisure Minister. As a result, the media focus has been intense at times, and the actions of all political parties have been subject to scrutiny, not least the SDLP, which seems to have had a number of internal discussions on the matter. I am pleased that it has decided not to sign a petition of concern, but its final position remains to be seen. I hope that it will consider not abstaining. I am encouraged by the attitude of the Alliance Party.

I take this opportunity to pay tribute to Ann Travers, who has shown the utmost dignity throughout the process. Her evidence to the Finance Committee was inspiring, and she has been a powerful voice for innocent victims. Unfortunately, when one raises one's head above the parapet, it takes courage to stand up against unrepentant criminals. Miss Travers did that without fear or favour. She can rest assured that her actions have contributed immensely over the past months, and she has served the memory of her family as well as anyone possibly could. Her views have forced politicians to sit up and listen, and that is to be commended.

I will move back to the legislation. I welcome the fact that the threefold test whereby someone with a serious criminal conviction can become a special adviser stands as was originally intended. Some sought to change that clause and weaken the legislation, but it was important that it remained strong. I am satisfied that it is entirely reasonable for anyone with a serious criminal conviction to have to show contrition for what they did and to assist the police in their investigations should they want to be a special adviser. It was an opportunity for those who shout loudest for truth commissions to deal with the past to show that they could be trusted to participate in such a process. Unfortunately, they have failed.

The Attorney General also made quite an important intervention recently, and it should be recorded in the House what he actually said. John Larkin clearly stated that he does not have concerns over the competence of the Bill. He said:

"I am content that the Bill in its present form would be within the legislative competence of the Assembly".

That was said after the concerns that he raised at the Finance Committee and is therefore his

final position. As a result, Sinn Féin has no authority to say that the Bill is not competent, and it can no longer use that as an argument for opposition.

As I said, I welcome the fact that the SDLP has made a decision not to sign the petition of concern. Bríd Rodgers of the SDLP recently stated — I paraphrase — "We have reached the stage where everything has to be put to the test of acceptability to Sinn Féin. I believe this time that we should give priority to victims". I fully support that sentiment. Although the position of Sinn Féin was predictable throughout the passage of the Bill, the SDLP and the Alliance Party have too often sided with those who have serious criminal convictions as opposed to innocent victims. Today, we will see their final position, but I challenge both parties to think carefully about being on the wrong side of this argument. They have the opportunity to go through the Lobby in support of innocent victims such as Ann Travers, or they can side with Sinn Féin to protect the elevation of unrepentant murderers to unelected positions at the heart of government. That is their choice, but the Ulster Unionist Party is clear in our support for innocent victims.

Mr Weir: I rise relatively late in the day to speak in the debate, although not quite at 2.30 am, which Raymond McCartney was suggesting is probably the ideal time to listen to me. I do not know whether he has difficulty getting to sleep at that time, but it might spur his endeavours in that regard. As it is relatively late in the debate, many of the points have been covered, so I do not intend to speak for a great length of time, and we are now at Final Stage. Although numerous members of the Finance and Personnel Committee at times look for escape tunnels, I, as a member of that Committee and as the Chief Whip who helps make appointments to Committees, have no one to blame but myself in connection with this matter. I have been involved in and spoken at all points in the Bill's progress.

A number of points bear reiterating at Final Stage. First, the Bill is welcome, as it helps to normalise society. In the absence of the Finance Minister, I will point out that a lot of the groundwork that he put in place will cover a lot of what is in the Bill. We are now in a position where there are effectively requirements for any new special adviser to undergo a form of vetting. I understand that that has operated fairly successfully. However, as I indicated at Second Stage — we have since looked at potential amendments and examinations — simply because something useful is already in

place does not mean that there cannot be legislation to improve on that. This legislation takes a further step forward on that. Principally — this has been the subject of controversy — the Bill operates not simply for those who will be future appointments but will cover those currently in place. There has been very specific controversy in connection with the fact that the Bill would affect a particular individual.

There is one person to whom we need to give credit, and I am sure that even the sponsor of the Bill will accept this: the courage of Ann Travers is something that many in the House will applaud. It is difficult to see how the Bill would have potentially become law without her intervention. As a Member of the Assembly since its inception in 1998, I have sat on various Committees and heard a range of people make presentations to Committees. Those presentations have been of varying quality throughout that period. Some were excellent, and some were less so. As regards the personal power of testimony from an individual giving evidence to a Committee, I cannot think of anything that parallels the dignified and strong testimony given by Ann Travers. Her personal and family circumstances have been a large driver for the Bill. Indeed, at Further Consideration Stage, Mr Allister and I raised this question: if Mary McArdle were still in post and there was the public involvement of Ann Travers, would the SDLP be taking the position that it did? There was a certain level of obfuscation of the answer; it was simply deemed hypothetical. In the past few weeks, we have seen the turnaround in the position of the SDLP. There is no doubt that the intervention of Ann Travers played a pivotal role in that.

To be fair to the SDLP, it was not really a U-turn because it is close to being back to where it started. Maybe they have moved to a more neutral position. It is a bit like what was said of Frank Maguire in the vote of no confidence of 1979: they are here to abstain in person. That, at least, is a welcome development compared with the situation of a few weeks ago, when it appeared that the legislation would be brought down by a petition of concern. Although, in many ways, I am critical of the SDLP's position on the Bill, I sincerely hope — I suspect it will not happen — that there will be some late Damascene conversion and its Members will come alongside us in the Lobby tonight. I suspect that the more likely scenario is that they will go through our Lobby and the opposition Lobby to abstain in person.

I would like the SDLP to go further, but at least there has been a shift in opinion from probably

signing a petition of concern to movement towards at least allowing the legislation to pass. That is to be welcomed. It was a pity that it took the intervention of Ann Travers to bring that about. It seems that the intervention of two of the éminences grises of the SDLP — Séamus Mallon and Bríd Rodgers, whom I can be a lot more complimentary about now that they have retired from front-line politics — also made a very positive contribution.

Much has been said about the Bill, particularly by the party opposite. To be fair, while I strongly disagree with its position, it has at least been fairly consistent throughout the process. I listened to the Chair of the Committee for Finance and Personnel during his almost two hours of remarks. He did not exactly entertain the Chamber, but he certainly kept things going and has been, at least, consistent. Sinn Féin has been consistently wrong, but consistent at least. A couple of things need to be stated about this legislation. It is not a general attack on prisoners or ex-prisoners, and I refute the spurious notion of ex-combatants and ex-political prisoners. To my mind, people are either convicted criminals or they are not. That applies on two grounds. First, it deals with a very specific category of people and appointments. This is not a blanket ban on employment. Indeed, that was one of the points raised when we sought legal advice on the Bill. It concerns a small number of very specific posts within the Northern Ireland Government. It has to be said that they are very highly paid posts. Some people have asked what, ultimately, is the distinction between Ministers and SpAds. Although, on all sides, I am sure, we may resent various Ministers, they are elected by the people; SpAds are appointees to very senior Civil Service posts. That distinction needs to be drawn.

Mention has been made of the harsh implications for particular individuals. Yet, as other Members have said, when faced with the high level of public embarrassment about the position of Mary McArdle — when it became too hot a potato for Sinn Féin to handle — they simply reshuffled the pack, found another post for her, and moved somebody else into her place. I have no doubt that, if the Bill goes through tonight and is found to be robust by the courts, the implications for a special adviser in post at present are not that he will be thrown onto the scrapheap but that another position within Sinn Féin will be found for him. Arguably, that may be more shame on Sinn Féin, but it will not impact detrimentally on any individual in that sense.

6.45 pm

In public life, we have a right to have a certain level of expectation. Much has been made about the Bill trying to drag us back into the past in some way. If anything, the Bill helps to normalise the situation. I challenge any Member to contradict this: I cannot think of any other jurisdiction within these islands or across Europe in which a Minister would employ someone with the serious criminal conviction of murder. If it was found that a special adviser to David Cameron or someone in the Irish Government — Enda Kenny's special adviser — or the Scottish Government — a special adviser for Alex Salmond — had been involved in that, politically, that person would simply be regarded as unacceptable and would not in their position. So, in many ways, this legislation brings us into line with other parts of the United Kingdom and onto a footing similar to that not only in the Republic of Ireland but pretty much anywhere that you can think of in the Western democratic world.

It is also the case that, whereas some have tried to point this purely at those with convictions arising from the Troubles, the Bill covers all convictions. It covers someone who has a serious criminal conviction that deals with murder and covers what used to be referred to as ordinary decent criminals or ODCs. Such persons will be equally affected.

As has been indicated, we have put in place in the legislation — given the level of scrutiny, it may not be to everyone's satisfaction — the determination of eligibility, and, looking at that in clause 3, I think that reasonable steps have been put in place there for that. It is not a blanket ban. There is an opportunity for appeal against the review panel's determination. An appeal mechanism is put in place. Indeed, this will cover all the situations.

As I said, ultimately, I commend the Bill. I commend the work that Sammy Wilson has done at DFP in bringing us to this stage. I commend the sponsor of the Bill on bringing it forward. It is good legislation that helps to normalise society. From day one, I have had no doubt — I am sure that it has been raised by Members opposite — that ultimately this will be tested in the courts. That was fairly obvious from day one. The courts will have to come to a determination. However, I believe that it is good legislation that helps to normalise our society and puts us on a level playing field with other jurisdictions. Therefore, at Third Reading, I commend the Bill to the House.

Mr A Maginness: I say, at the outset, that our role here as legislators is to scrutinise legislation. That is certainly the task that the SDLP took on board in relation to this Bill. We did scrutinise the legislation. We stated that we would support the Bill at the Second Stage, which we did, and would table amendments at the Consideration Stage, which we did. Further to that, we tabled additional amendments at the Further Consideration Stage. We did not do that out of perversity or contrariness or because we were capricious; we did it because we believed that our role was to bring about the formation of good law and good legislation. Our amendments were designed specifically to address what we saw as the weaknesses in the Bill at the various stages. However, we saw the Bill as being very important — very important for victims, very important for people such as Ann Travers and her family and very important for those who supported her, people such as Catherine McCartney, whose brother was murdered by the Provisional IRA in 2005.

So, it was important for those people, and it was important for us to support them.

I know that people did not like our amendments. They opposed our amendments, they criticised them, and so forth, and that is fair enough. That is your prerogative if you wish to do that, but the amendments were brought in good faith. They were brought about to improve the legislation. In particular, we brought amendments to deal with the retrospectivity that we believed was contained in clause 2. It is ironic that those who have shouted loudly today about the retrospective aspect of the Bill failed as a group and as individual Members of this Assembly to support our amendments, which would have removed any sense of retrospectivity from the Bill. Not one of them gave an explanation today.

Mr McKay: Will the Member give way?

Mr A Maginness: Let me continue. Not one of them gave an explanation today, including the gentleman who now wishes to intervene. Not one of them gave an explanation about why they did not support our legitimate amendment on retrospectivity. I will give way to the Member.

Mr McKay: I thank the Member for giving way and for describing me as a gentleman. I think that is a first. The fact of the matter is that, if the SDLP amendments had passed, the Bill would still have been discriminatory. It would still have been retrospective in respect of any future applicants for the post of special adviser who held a record from the 1970s or 1980s. In

that sense, it would still have been retrospective, and it would still have implemented discrimination. That is why we could not support that.

Mr A Maginness: I think that the Member is talking nonsense. It is as simple as that. The amendments put forward were quite straight. They would not have allowed any form of retrospectivity. That is as clear as daylight. The Member should look at those amendments again, perhaps refresh his mind and then come to that very obvious and logical conclusion. The fact is that, for political reasons, Sinn Féin wanted to represent themselves as victims. They wanted to represent themselves as martyrs, and they wanted to represent themselves as being people subject to discrimination as they saw it. They did not —

Mr Mitchel McLaughlin: Will the Member give way?

Mr A Maginness: No, I have taken the point from your colleague. It was a nonsensical point anyway, and I do not know why I allowed him in. He had an opportunity earlier to explain himself. He did not explain himself on that occasion, and he has not explained himself now.

The point that I make is this: for political reasons, that party, which glories in being a victim, wanted to act the victim. The last thing that it wanted was our amendments on retrospectivity to be passed because then it could not claim to be victims.

Mr Mitchel McLaughlin: Will the Member give way now?

Mr A Maginness: No. You know very little about victims. Your approach to Jean McConville typifies your attitude to victims.

Mr Deputy Speaker: Could all remarks be made through the Chair, please?

Mr A Maginness: You cannot even admit that she was the victim of a murder, so I will not take any lessons from you in victimhood.

Mr Mitchel McLaughlin: Will you give way?

Mr A Maginness: I will not give way, and I have made it plain that I will not give way. You can smile all you like, but you have to bear the burden of that.

Mr Deputy Speaker: Order. I ask all Members to continue the debate in good temper. Members have been relatively well behaved so far, but all remarks come through the Chair, please.

Mr A Maginness: As I was saying, Sinn Féin deliberately refused to support the SDLP amendments on retrospection. They did that for a political purpose because it was part of their propaganda; they want to be the victim. They want to play the victim. The worst that could have happened was that the House supported the SDLP amendments on retrospection. That was the last thing that they wanted.

Perversely — almost as perverse as Mitchel McLaughlin's view of Jean McConville and her death — they went out of their way not to support the SDLP amendments. That was for a political purpose. That should be noted by everybody inside and outside the House.

The Attorney General's letter was a useful commentary on clause 2. He pointed out in his letter that amendments were made to the Bill, particularly in relation to a system or mechanism of appeal. That was prompted by the probing and thorough interrogation of the legislation by my colleague Mr Bradley in Committee, and supported by the SDLP in Committee and on the Floor of the House that it was right and proper to have an appeals mechanism. The Attorney General referred to that.

He expressed himself satisfied that the legislation was competent as far as article 7 of the European Convention on Human Rights was concerned. However, and I have discussed this with other lawyers, I am still worried about the retrospection aspect of clause 2. I still worry that it could be challenged, not, perhaps, under article 7, but under the principles of natural justice.

I am not saying to the House definitively but I believe that there is a danger therein, and that the present clause 2 will not fully satisfy the scrutiny of a court under judicial review. That is a personal view and is shared by others in my party. However, we still fear and believe that that provision in the Bill is not competent. I have no doubt that that will be tested in time. The courts will then be in a position to determine that issue. However, we put our best foot forward. We put our arguments strongly to the House and they were based on reasoned argument and reasonable amendments.

We brought forward amendments in relation to clause 3. We believed that they were to be preferred. We believe in an appeals mechanism but not one that has a predetermined mechanism within it. Any appeal should have a reasonable chance of success. The Bill creates a situation where the chance of success under the present criteria is significantly reduced.

7.00 pm

Under this legislation, there is, of course, a chance of success, but is it a reasonable chance of success? There is a suspicion in my mind that clause 3 creates a predetermined outcome to an appeal. In my view, that is wrong.

I move now to contrition. We went through that matter at Further Consideration Stage. We believe that our amendment in relation to that aspect of clause 3 was to be preferred, because it was a better test of a person's change of heart. It would actually be more demanding and more prescriptive, and we believe that it would be a better test in relation to any applicant. It would, in fact, make better law, but it was rejected by the House, by all parties except the Alliance Party and the SDLP.

In a recent press statement in which the deputy First Minister was commenting on the SDLP's rejection of a petition of concern, he said that it was shameful that the SDLP had not supported a petition of concern. I have to say that it was shameful that the deputy First Minister, Martin McGuinness, permitted the appointment of Mary McArdle in the first place. That was shameful; that was particularly shameful, because the deputy First Minister knew, during the currency of the presidential campaign, that Mary Travers's murder was a live issue. It was an issue raised by Ann Travers on a phone-in on Raidió Éireann to the deputy First Minister, as he was a candidate in the presidential election. Happily, the electorate in the South put that particular ambition to bed. He was aware of the fact that this was a very big issue; he was not in ignorance of the issue; he was not in ignorance of the fact that the issue was a very important one for Ann Travers and the Travers family. Yet, some weeks after the presidential campaign, he appointed Mary McArdle, or permitted her appointment.

Some Members: You are wrong.

Mr A Maginness: Let me say this: the deputy First Minister was very much aware of the issue of Mary McArdle, and the deputy First Minister

was aware of the intensity and passion of feeling surrounding the issue.

In any event, why was she appointed? She was appointed deliberately by Sinn Féin in order to legitimise its violent campaign. It was saying to victims and to the community at large, "We can appoint anyone we like, because there is no difference between someone with or without criminal convictions. It is irrelevant, as they were combatants." It was an attempt to rewrite history and to prove that its campaign was a legitimate struggle for a political cause.

However, that struggle that they talk about had no mandate from the people of Ireland, North or South. That campaign of violence was politically and morally wrong. It was wrong then and it is wrong now. We cannot rewrite history. It was morally and politically wrong. It was counterproductive because it divided the people of Ireland, North and South, even further and set back the cause of Irish unity and the unity of the Irish people. That is what that campaign did. Not only did it destroy life and property and cause misery to thousands of people, but it was counterproductive politically. It was undemocratic, unwarranted and unnecessary.

They thought that victims of violence such as Ann Travers could be overlooked or ignored. They thought that, if there were a reaction to Mary McArdle's appointment, it would be minor, would blow over in a few days, and their legitimacy as a political/armed movement would be demonstrated. They did not reckon with the tenacity and the public impact of Ann Travers and other victims, not least Catherine McCartney, whose brother, as I mentioned, was murdered by the Provisional IRA in Belfast in 2005. That case is still shrouded in deceit, lies and cover-up. The story that is written by Catherine McCartney in 'Walls of Silence' should be studied by everyone in the House as a testament of the tenacity and courage of victims of armed violence. It is also a testament to the betrayal of the McCartney family by Sinn Féin.

The Bill is not just about the victim Mary Travers, but about all victims. The Good Friday Agreement emphasises the need to acknowledge victims and attend to their needs. Victims should be the concern of us all. The selfish economic interest of one political party should not be made an obstacle to helping victims. It should not be an obstacle to achieving justice for victims.

We will support the worthy aim, as our party leader has said, of helping victims of the Troubles and acknowledging their hurt and

suffering. It is sad that the House could not unite on this issue. I say sincerely and genuinely that we have tried valiantly to amend the Bill and make it legislatively better and, indeed, watertight. We wanted, through our reasoned and reasonable amendments, to make good law. However, our best efforts were rejected. As democrats, we have to accept that. We had hoped for a better ending. It was not to be.

Lord Morrow: Will the Member give way?

Mr A Maginness: I will.

Lord Morrow: I have listened intently to what Mr Maginness has said. To all intents and purposes, it is an excellent speech with good content. However, will he and his party reconsider their position this evening? They plan, I understand, to abstain. As I said earlier, that is second best in this situation. Can he not see the danger that his party is still sending out a message, which is not understood out there in the community, that there is a degree of ambiguity towards the issue? He talks about the past. He tells us that he is committed to moving things forward. We hear that. However, actions really do speak louder than words.

Mr A Maginness: I will just say that we have taken a consistent position on political violence of all types throughout the 40 years of our existence as a political party. We continue to hold to that position. We have always been democrats; we have always believed in the rule of law and parliamentary democracy. We will continue to do that. In the exercising of our duties as legislators, we have come to a sound conclusion based on the deficiencies that we see in the Bill and the political arguments that have been put forward by my colleagues and me today. Our position will be to abstain on the Bill. We believe it to be an honourable position, and we believe that it is one that people outside will understand.

Mr M McGuinness: Go raibh maith agat, a LeasCheann Comhairle. Thank you, Mr Deputy Speaker, for the opportunity to make what, I hope, will be a short-winded contribution to the debate rather than some of the rather long-winded ones that we witnessed earlier. I include my colleague Daithí McKay, along with many others, in that remark.

About two weeks ago, I attended an event in Queen's University to honour the memory of Harri Holkeri, a Finnish diplomat who came here and made his own particular contribution,

with Senator George Mitchell and others, to the success of a peace process that is seen as one of the most successful peace processes in the world today. The lecture at Queen's University was given by the former Finnish President Martti Ahtisaari. The introduction to Martti's lecture was given by the Finnish ambassador to London. In the course of his contribution to the introduction, he spoke about the number of meetings that he had engaged in with people here in the North of Ireland since he became ambassador. He said that the most powerful meeting that he attended was a meeting of loyalist and republican ex-prisoners. He said that it had a very profound effect on him in recognising the contribution that ex-prisoners have made to what is seen in the international community as a very successful peace process.

Prior to the Good Friday negotiations, I was given the responsibility by my party of being the Sinn Féin chief negotiator. Around me was gathered a very experienced team of ex-prisoners. It was also a very experienced team of negotiators. They were absolutely wholeheartedly in favour of the peace process and inclusive negotiations and wholeheartedly willing to accept the outcome of those negotiations. So people should not underestimate the contribution made by former political prisoners. The contribution that they have made has been absolutely immense. It should never be underestimated.

Earlier, I heard Members talk about people being given privileged positions because of their contribution to the struggle or conflict. Nobody in Sinn Féin is given a trophy on the basis of where they were in the past. Anybody who was given an important position in the Administration was given it because they were an intelligent person and had an important contribution to make. I agree with the SDLP: the Bill is a bad Bill. It discriminates, and it runs totally contrary to the spirit of the Good Friday Agreement. I listened to a member of the SDLP from Newry and Armagh on the 'Stormont Today' programme.

I believe that it was on the basis that, at that stage, over two weeks ago, the SDLP had taken a decision that it would support a petition of concern and the Bill being brought down.

7.15 pm

So what changed? Clearly what changed — we should deal with the nub of the matter — was the contribution of two former SDLP Ministers, one of whom was a former Deputy First Minister, and the other was a former

Agriculture Minister. I was part of that Administration. I was the Minister of Education when both those Ministers were in office. My adviser in the Department of Education was a man called Aidan McAteer, who was a nephew of a former leader of the Nationalist Party, Eddie McAteer, and a son of Hugh McAteer. Aidan McAteer was an ex-prisoner who made a very important contribution in the Department of Education. Séamus Mallon and Bríd Rodgers knew that.

Bairbre de Brún, as the Minister of Health, was my colleague in the same Administration, and Leo Green from Lurgan was her adviser. Leo Green had been sentenced to life imprisonment. He played a very important role in advising Bairbre, as Minister, on important health issues. Séamus Mallon knew that. Bríd Rodgers knew that. There are people sitting to my left who were in the Assembly at that time, and they also knew that. Did they, at any stage, attempt to bring legislation before the House to debar the people whom I have mentioned as advisers? No, that did not happen.

The institutions collapsed on three occasions during that period, and they were not resurrected until Sinn Féin and the DUP managed to find a way forward to put institutions in place in 2007. What happened in 2007? We restored the institutions. Caitríona Ruane was the Minister of Education, and Jackie McMullan was her adviser. Who was Jackie McMullan? He was an ex-prisoner. He had been sentenced to life in prison. Not only did the SDLP know that but every party in the House knew it. Was any attempt made to bring legislation debarring ex-prisoners before the House? No.

To the credit of all the parties, they understood that people who were former prisoners had played a vital role in securing a peace process. Some of them might not have liked the fact that some of those people found themselves advising in the Civil Service and in government, but they were prepared to live with that because they took a decision that it was furthering, not damaging, the peace process.

Paul Kavanagh fits into the same category. Paul Kavanagh is a friend of mine, and I am very proud of that. Paul Kavanagh is an ex-prisoner. Paul Kavanagh has put his heart and soul into the peace process, has enormous credibility in the city from which I come and is widely admired in the community and voluntary sector for his work in the Brandywell and Bogside areas. He now finds himself in the centre of this maelstrom around the issue of

advisers. Let everybody in the House remember that he was not the first adviser to be an ex-prisoner. It goes back 14 years. There are people sitting in the House who are pontificating about this issue and who know that.

So what changed? I will tell you what changed. The TUV got a Member elected at the previous Assembly election. As I tweeted last week when I got back from China, we have the ludicrous situation whereby one anti-agreement unionist has been able to pick the SDLP up by the tail and swing it all around.

Members from the SDLP have talked a lot today about victims and the importance of victims. I love the way that they do that. You almost get the impression that all victims have bestowed on the SDLP the right to speak for them. I believe that nothing could be further from the truth. The Bill divides victims. What the SDLP is doing in supporting the Bill is further dividing victims, and I think that it will learn that in the days, weeks and months that lie ahead. Of that there can be absolutely no doubt.

The types of interviews that we have heard in the past 48 hours, with people telling us that there is a hierarchy of victims, are so hurtful to those people who are wondering just what the SDLP's position is on victims. We then heard the total inability of the deputy leader of the SDLP to support her party leader during 'The Nolan Show' this morning. We can clearly see that the SDLP has been like a headless chicken on this issue over the past while.

Therefore, what essentially am I saying? What I am saying very clearly is that Paul Kavanagh was not the first ex-prisoner to be an adviser in a Sinn Féin Department. It goes back 14 years and included people who were sentenced to life imprisonment. All the parties in the Assembly lived with that until we had the arrival of someone who has shown the ability to lift not just the SDLP by the tail and swing it all around but every other party in the House. Thank you.

Mr Attwood: There was an event in this Building within the past two weeks that, in one way, I cling to in all the issues around dealing with the past. It was an event that was sponsored by Trevor Lunn and Trevor Lunn alone, and I asked him to confirm that. It was not sponsored by any other party, but by Trevor Lunn from the Alliance Party. That event was on behalf of the families of the Ballymurphy massacre. Whatever the issues may be around this debate, the Bill, and how we handle the past and manage the pain of the past, as one

who holds culpability for the position that the SDLP got itself into, I cling to what Trevor Lunn and all the MLAs from different parties who attended did that day. Why? Because the dignity and resilience of those families is beginning to prevail as they gather around themselves representatives not just of nationalism and republicanism but from one or other party.

I make that point deliberately, because I find it curious as we enter into a process that was initiated by the First Minister and the deputy First Minister about how to deal more fully with the issues of the past. I will come back to that. In his entire contribution over the last 10 minutes, the vice-president of Sinn Féin never once referred to that process. He hardly spoke at all about the needs of victims, and spent all his time — Hansard will confirm it — looking at the SDLP. In that speech, in that commentary and in those mannerisms, much was said about what Sinn Féin really thinks much of this debate is about. I will come back to that later.

We have some doubts about the process that has been initiated by the First and deputy First Minister, but we will fully commit ourselves to that. However, we have to say that there are issues too big for the parties alone to deal with alone. For them to be dealt with in a comprehensive and ethical way, issues of the past and some other issues need the wisdom and collective authority of all parties and both Governments, and I hope that is what will happen.

Very little has been said in the debate about the DUP. Mr McGuinness barely touched upon his relationship with the First Minister and the fact that those two parties have the leading role in government. However, one of the reasons that I am concerned about the process that is about to be commenced is because of what the DUP brings to that process in dealing with the past, in respect of which the Bill is one small aspect. The DUP's political manifesto says that its members:

"Support the right to justice for bereaved victims of terrorism".

That is all that it says. It does not refer in any shape or form to supporting the right to justice for bereaved victims of terrorism and the activities of elements in state organisations who imposed violence, inflicted death and destruction and who, in my view, also carried out acts of terror against people in this part of the world. Consequently, when we are looking at this Bill, when we are looking to deal with the past, and when we are about to engage on a

process of dealing with the past, for that process to mature into something that it should be, the DUP and other parties must shift ground, just as, in my view, others have begun to shift ground in respect of the Ballymurphy massacre. For that reason, I was mildly encouraged by the contribution to the debate of David McLivven. He engaged with a definition of what a victim might be, and tried to work through in his head what that might mean in terms of outcomes around the process.

I want to deal with some of the comments made by Sinn Féin during the debate. Mitchel McLaughlin told us that Sinn Féin had gone out and sold the agreement. The words that he used were that it had gone all out to sell the agreement. I do not think that the record confirms that to have been the case. The difficulties experienced in the early years of the Good Friday Agreement and during the first mandate of the Assembly and the repeated periods of suspension, to which a number of parties in the Chamber contributed, do not say to me that Sinn Féin went all out to sell the Good Friday Agreement. He then said that he had "no hesitation about standing over" Sinn Féin's record.

In my view, there was a very disturbing moment in the debate, when Raymond McCartney said that the issue of inclusion was, essentially, not a principle but a tactic. Where have we heard that before? In terms of the principle of abstention from Dáil Éireann. He said that Sinn Féin upheld the principle of inclusion, and then indicated that that did not mean defending the practice of d'Hondt. That is what you said, Mr McCartney.

7.30 pm

Mr McCartney: That is a lie.

Mr Attwood: That is not a lie. When I stood up and asked you why you were not holding to the principle of d'Hondt when it came to the practice of inclusion in this Chamber and the appointment of the Justice Minister, you said that you supported the value of inclusion but you did not support the principle of d'Hondt.

Mr McCartney: That is a lie.

Mr Attwood: If that is a lie —

Mr Deputy Speaker: Could all remarks come through the Chair? Mr Attwood, you have the Floor.

Mr Attwood: If that is not correct, why, when we were having discussions in 2007 about the appointment of a Justice Minister, did you not stand by the principle of inclusion expressed through d'Hondt when it came to membership of the Executive? Why did you not? I will take an intervention from you. Why did you not accept the democratic — *[Interruption.]*

Mr Deputy Speaker: Again, could all remarks come through the Chair, please? Members, can we have good temper and moderation in everything that is said?

Mr Attwood: I will take that on board, Mr Deputy Speaker. The point I am making is that those who claimed that they stand by the agreement have — you can see when you interrogate the evidence — done little at times to stand by the agreement. It was not just on the issue of the appointment of the Justice Minister, when the principle of inclusion was mangled and the democratic will of the people of Ireland was usurped. It was not just in respect of the principle of d'Hondt and inclusion when it came to the Justice Minister. It was also in respect of the obligations that fell to parties regarding the policing challenge following the publication and implementation of the Patten report. It was not simply that. If Sinn Féin was so honourable when it came to the Good Friday Agreement, why is it that, in the years since restoration, it has allowed another party, its primary partner in government, to hollow out the Good Friday Agreement left right and centre, with little sense of complaint?

I will now deal with the issue of discrimination. A number of Members made comments about discrimination and whether the Bill is evidence of discrimination. I refer to my previous comments during the previous debate. Why? Because, whatever about the impact of this Bill on a tiny number of people, let the lie be nailed that this is a process of discrimination against a large number of people. What is the evidence of that? The victims of the past 40 or 45 years of violence have not been released from the burden that they have had to endure because of the consequences of paramilitary terror and state violence. Victims of violence do not have the volume of money and attention that is visited upon prisoner groups led by prisoner elites that we see in so many of the communities of the nationalist and republican people in this part of the world.

More than that, Sinn Féin goes down the road of trying to revise the story of terror over the past 20, 30 and 40 years in this part of the world while denying to victims and survivors the

truth and accountability that they all yearn for. So, when it comes to the issue of discrimination, it is quite clear in my view that, when you look at the evidence of the past 10 and 20 years since the peace and political process began to mature, you can see that the evidence of discrimination against those who come from a prisoner background is clearly rebutted in fact, in law and in practice. Any claim otherwise, in my view, simply does not stand up.

Sinn Féin has asked — Martin McGuinness put this in his usual way — what has changed when it comes to the SDLP approach to the Bill. Let me explain what has changed. Since the debate on the amendments at Further Consideration Stage, Sinn Féin, as Mr McGuinness outlined earlier, has, in an aggressive way, deployed its political argument and strength on issues around the past. On Tuesday, after Further Consideration Stage, Mr McLaughlin, on behalf of Sinn Féin, made the following observations to 'The Detail' investigative website.

He said:

"a process of reconciliation in Northern Ireland could be moved forward by separating it from the search for the truth about what happened during the Troubles."

He went on to say:

"As long as they remain a binary process, then one can't go forward without the other ... There are too many things that we could do that aren't being addressed."

So, in the wake of the SpAd Bill and on behalf of Sinn Féin in the run-up to a process that is meant to deal comprehensively with the issues of the past, Mr McLaughlin has now sent out the message that Sinn Féin's approach is to separate the process of truth and accountability from that of reconciliation.

How that can be done? You cannot have a process of reconciliation if its central tenet is not a process of truth and accountability: otherwise, you do not have a process of reconciliation; you have a process that deals only with the symptoms of division and does not deal with some of the fundamentals of division, the most fundamental of all being the issue of truth and accountability.

What changed after the debate on the Bill's Further Consideration Stage? The following day, Sinn Féin sent out a message to people in

this part of the world that it would give them its version of reconciliation but would not give them their need for truth and accountability. Then, Sinn Féin compounded the issue. On the following day, a man was charged with serious offences in London, the consequence of which led Mr Kelly, on behalf of Sinn Féin, to say that the individual was a long-time supporter of the peace process and that the decision to charge him was vindictive, unnecessary and unhelpful. What changed since the debate on the Bill's Further Consideration Stage? Sinn Féin, in a brutal and aggressive way, said to victims and survivors, whether they were from the loyalist community, the nationalist community, the republican community, the RUC, the UDR or anyone else, that if anyone is identified as being possibly guilty of serious offences in the past, their prosecution would be vindictive, unnecessary and unhelpful.

What message does that send out to the victims and survivors who look for truth and accountability when, whatever their background, whatever their pain or wherever they come from, they are told by Sinn Féin that to charge someone is vindictive, unnecessary and unhelpful?

If things have changed since the debate on the Bill's Further Consideration Stage, one of the things that has changed is that Sinn Féin has set out its preconditions for a conversation to deal with the past. Those preconditions are to deny truth and accountability on the one hand and to refuse the potential for prosecutions on the other. That is not truth and accountability; that is suppression of truth and accountability, and with that will come suppression of reconciliation, which is at the heart of the future of this island.

In my view, as people know, the best Government in these islands is that led by the Scottish National Party. In that, I may be making a comment against myself as a member of the Government here in Northern Ireland. In its 2011 Programme for Government, the Scottish National Party talks about shaping the future of Scotland, saying that it should move forward at all times with humility. That is the perspective that I and the SDLP have tried to bring to this issue.

In his contribution to the debate, Mr McGuinness said that victims would let us know how disgruntled and unhappy they are with what the SDLP has been doing in the run-up to this debate. I think that things are somewhat different. The reason for that is because I think that people have looked to the SDLP, more

than any other party, to defend the needs of victims and survivors

Mr McGuinness says that victims, who are split on this issue, are not going to be sympathetic to the position taken by the SDLP. Why, then, did the SDLP receive representation from across the victims and survivors community and from people who held different views on the Bill, asking us to stand in solidarity with them? That is what happened. Numerous people contacted us, including an organisation that said:

"The SDLP has a good track record and a credible voice on this issue, more than any other party."

The same correspondent said:

"Many victims are looking to you for continued support and leadership that represents all victims."

It also said:

"Only the SDLP can credibly achieve this and speak for all victims and challenge all actors to the conflict."

That correspondence did not come from loyalist groupings or state organisations. Those are the words of a major organisation that, in the past, primarily represented victims of state violence, although it does not do so exclusively now. So, contrary to what Mr McGuinness might say, the SDLP was the one party that came to the issue with integrity. Rather than taking simple views or taking sides, the SDLP looked at the Bill and at the wider issue. The SDLP looked at a rights-based approach and a victims-based approach and, in that journey, tried to reconcile both. If the SDLP ended up having to look more closely at its position, it was because we came at this issue from a position of integrity and looked at it, as the Scottish Government would advise us to do, with some humility. In that moment, the SDLP worked out how it was going to handle this Bill on the Floor tonight.

Mr McGuinness is not right when he says that the victims and survivors community will look on the SDLP in the way that he claimed. Quite the contrary: the victims and survivors community has looked to the SDLP to act with authority, credibility and integrity, as the quotations I gave demonstrate.

I want to say one thing to Mr Allister. He is the sponsor of the Bill and he has navigated his way through a very difficult process, and he quite rightly acknowledged the work of

Assembly staff in that regard. As I said in a meeting with one victim, which took place over the past couple of weeks, this is the small picture; not the big picture. The big picture has to be the needs of victims and a comprehensive and ethical process for dealing with the past. There is also a small picture, and Mr Allister has to acknowledge this: he brings to this debate an insight that many of us who have worked through the peace and political process over many decades find difficult to accept. I am not going to labour the point, but whatever Mr Allister's contribution may have been in the character and quality of this Bill, the character and quality of other contributions that he makes to the debate around politics and government in the North sit uneasily with many of us. I refer to his comments last August in respect of decisions taken by the Parades Commission on a parade in Rasharkin. I will not repeat his words, because they do not bear repeating. However, they were destabilising, unhelpful and aggressive towards members of the Parades Commission. I similarly refer to his various contributions and speeches at flag protests over the past number of months, where he fed people's worst fears. Although he has been very firm about the use of violence, he should not indulge people's worst fears when it comes to the nature of politics and government in the North.

Mr Deputy Speaker: Can we come back to the Bill, please?

Mr Attwood: I will not say any more than that.

The SDLP will abstain in the vote tonight. We will do so because we try to bring integrity to the issue and try to stand by the needs of victims. This is a matter on which there has clearly been conflict and tension but, in our view, which is a settled one, what we are doing is the best way to manage the debate.

7.45 pm

However, it does not preclude or reduce all our responsibility in the process that is about to commence through the First Minister and the deputy First Minister or in any other processes to reach, over the next six months, a comprehensive and ethical process for dealing with the truth of the past and all the issues of the past. If we fail that test, this debate will not have carried the significance that it could have in being a catalyst to galvanise public and political opinion to deal with the past in a proper manner.

Mr Agnew: At the outset, I would like to outline the fact that the Green Party has consistently stood opposed to any form of violence in this society to achieve political aims. In that regard, we extend our sympathies to all victims of the violence that was all too commonplace in Northern Ireland in our past and that, unfortunately, continues in isolated instances even today. It is in that context that I speak in this debate and outline the Green Party's position on the Bill.

The Green Party sees the Bill as a missed opportunity. Having been involved in the Second Stage debate, I find it interesting to hear parties' positions and how those have changed throughout the stages of the Bill. My party's view has been consistent. We have major concerns about how special advisers are appointed. At Second Stage, I made the point that special advisers should be appointed on merit and that there should be greater scrutiny and transparency as regards how special advisers are appointed.

Interestingly, although there was some disagreement on whether those with serious criminal convictions should be appointed to special adviser positions, there was almost unanimity in opposition to the idea that special advisers should be properly interviewed and that the merit principle, which applies in other appointments to ensure fairness, should be applied. That is something that I feel should happen given the importance of these positions, given the high level nature of the work, and given, as was said continually at Second Stage, that special advisers sit with the same privileges and many of the same responsibilities as senior civil servants, who we would never think of appointing without such proper scrutiny, openness and fairness.

There is a perception that special adviser posts are, if you will pardon the term, jobs for the boys. That has been at the heart of some of what we have debated today and throughout the other stages of the Bill. While the vetting procedures are one aspect of tackling that, for me, including the merit principle in the appointment of special advisers, would be the other key part.

Mr Deputy Speaker: There are a number of conversations going on in the Chamber. I ask Members to have regard for the Member who is speaking.

Mr Agnew: Thank you, Mr Deputy Speaker. It is certainly off-putting when you have to speak above a murmur.

I very much believe that that is an opportunity missed. I welcome the elements of the Bill that bring the vetting procedures more into line with the appointment of senior civil servants. That is the benchmark of normalising these positions. However, to some extent, the Bill goes beyond those vetting procedures, and that concerns me.

There has been a lot of discussion in the debate about the definition of victims. My personal view is that it should be a broad definition. Many of us are indirect victims of our conflict, although I appreciate that there are those who have been impacted much more directly. I also take the view that there should be a wide definition of perpetrators, which is why I made the point about jobs for the boys. There have been many actors in the conflict in Northern Ireland. Reference has been made to the IRA's role. Reference has been made to the role of the security forces. There has been no reference to the role of all those, including people and parties in the Chamber, who continually promoted sectarianism, bigotry, division and hatred throughout our Troubles and then washed their hands of the atrocities that were committed and washed their hands when people took those words, that hatred, that bigotry and that sectarianism and used them as justification to commit acts of violence. Those people then stepped back and said that they did not commit the violence. However, we have to remember that many people gave power and weight to those who did commit violence by perpetrating sectarianism, bigotry and division in our society. Whether it is Sinn Féin or any other party giving jobs for the boys, the girls or for the party faithful, we are right to question whether those appointments are based on merit or on a privilege that has been bestowed on the party faithful.

The Green Party is opposed to the Bill. As I said previously, although we see elements of merit in it, it very much appears to my party and me that it is using our past to legislate for our future. It takes us back to old arguments, and we have seen that today. I cannot support the Bill for the key reason that it takes away the principle of rehabilitation. Many have claimed to speak on behalf of victims today; I will not pretend to do that. I do not believe that victims are a homogenous group or that victims speak with one voice. There are many victims in our society with many opinions. I speak only of my best interpretation of how to serve victims. For me, the best way to do that is to reduce offending and reoffending and, ultimately, reduce the number of victims and prevent future victims. How do we best do that? I believe that rehabilitation has to be at the core of our justice

system, and I see the Bill as seeking to impose an extra penalty on a certain category of ex-offender. That does not serve our society well. We have to ask whether ex-offenders who are released from prison, having committed whatever crime, are more or less likely to reoffend if they are in paid employment. I do not think that seeking to limit or restrict employment for ex-offenders serves our society well because I believe that people who come out of prison and have been rehabilitated and reintegrated into society are more likely to make a positive contribution than if we simply seek to exclude, marginalise and continually punish them for the crime that they committed.

As a society, we have come to that conclusion with our employment law. When a crime is of material relevance to the job that somebody with a conviction is applying for, it can be taken into consideration. However, when that crime is not materially relevant, it is not because, as a society, we have come to the conclusion that we are better off if we reintegrate former prisoners into society than if we seek to marginalise them. Through the Bill, we are trying to create a special category of employment and a special category of ex-offender outside that. Mr McKay referenced my quote during Second Stage when I said that I see this as an attempt to put the shackles of the past on our feet as we journey towards the future.

I will come to the point about the petition of concern. Mr McLaughlin referred to that. Although the Green Party opposes the Bill, we are not signing the petition of concern. I stand over that decision, and I will give my reasons for it. As I said, I am not opposed to every element of the Bill. At Second Stage, I said that I wanted to see special advisers appointed in ways that are more similar to arrangements for senior civil servants. Aspects of the Bill put the code of conduct on a statutory footing and make the vetting procedures equal to those that apply to senior civil servants, and I support those elements. I have chosen not to put a block on it, and I think, to some extent, that doing so would be a slap in the face to the victims who support the Bill. I disagree with them, and I say that clearly, but to block it would be a slap in the face. I will oppose it. The democratic will of the House appears to be for the Bill to go through, and I will respect that democratic decision.

Sinn Féin has presented an argument almost akin to George W Bush's argument that you are either with us or with the terrorists, although it is not quite the same, because Sinn Féin might not put it like that. For Sinn Féin, it is all or

nothing or black or white. The argument is that, if I do not support Sinn Féin's petition of concern, my opposition to the Bill is somehow disingenuous. I will be interested to see whether Sinn Féin is consistent on that, because it has not been consistent on that position in the past. It is not so long ago that the House passed the Criminal Justice Bill, which Sinn Féin and the SDLP opposed. They made their arguments for doing so, and, at various stages, I raised concerns about that Bill. Sinn Féin did not seek a petition of concern for that Bill; it certainly did not ask me. Given that both it and the SDLP opposed it, they could have tabled a petition of concern. To suggest that every time we disagree with a motion or a piece of legislation in the House we should seek a petition of concern is a disingenuous position. This was an attempt by Sinn Féin to push my party and the SDLP into ensuring that it gets its way. I will not be pushed in that manner.

(Mr Speaker in the Chair)

I can only speculate about why Sinn Féin did not support the SDLP amendments, which, in my opinion, would have made the Bill better. There are two possibilities. One is that, ultimately, it wanted a bad Bill, so that, when we got to this stage, it would have stronger leverage to seek a petition of concern. Perhaps, as Mr Alban Maginness suggested, it wanted to appear as victims: victims of Jim Allister's Bill; victims of the SDLP; and even victims of the Green Party.

Mrs D Kelly: I thank the Member for giving way. I am sure that he will agree that no one does victimhood better than Sinn Féin. Is it not the case that claiming the status of victimhood is used quite often to justify the violence of the past?

Mr Agnew: I thank the Member for her intervention. Like her party, my party has consistently argued that, even where there was discrimination in our past, that did not justify violence as a response.

I do not like to speak about other parties in my speeches. I try to avoid that and stick to my party's position in promoting my party's message rather than concerning myself with the views of other parties. References were made to my party's position, however, and I felt that I needed to defend it robustly.

In conclusion, I am opposed to the Bill, as I have been consistently from Second Stage. While others' positions changed, the Green

Party's position has remained consistent. We do not believe that the Bill has been sufficiently amended to garner our support. Our position is consistent with Green Party principles, particularly the principle of supporting rehabilitation for ex-offenders. Indeed, that is a position that my party has held consistently.

8.00 pm

Mr Allister: The first contribution that I have to make may be the only one that will have unanimous support: it is to the effect that I am going to be brief. *[Laughter.]* The issues have been well ventilated. I have had many opportunities to speak on the Bill, and I do not think that there are too many areas of grey in people's understanding of where I stand on it.

Very often, if you listen right through a debate and then think back over it, there is a particular moment that strikes you as the seminal moment. We had that today. I recall that, just after lunchtime when I spoke, I said that the primary thrust and purpose of the Bill was to guarantee that never again would a family such as the Travers family be subjected to the re-traumatisation that they were subjected to by the scandalous appointment of Mary McArdle. During the debate, Danny Kennedy intervened on Raymond McCartney and asked him this critical question: did he still support the appointment of Mary McArdle? The confirmatory answer to that question is the very reason why we need the Bill. It is clear that the mindset and attitude is this: yes, we would do it again. Well, the purpose of this Bill is to make sure that you will never do it again. That is the reason why the Bill is before the House.

Before I leave the subject of Mr McCartney, with some great fervour he challenged me on what role I had had and what stance I had taken on the soldiers convicted in respect of the killing of Peter McBride. When I tried to intervene and answer the challenge, I was denied the opportunity, so I will answer it now. My understanding is that those convicted in respect of Peter McBride served six years and were released in 2000 and the controversy raged in 2000. I have to tell Mr McCartney that I was not in politics in 2000, so I do not think that I had any contribution to make to that issue whatsoever. So maybe there is good reason why he did not want me to answer the challenge.

I come to some of the contributions to the debate. The deputy First Minister regaled us with the fact that for 14 years they had appointed cronies in terrorism to these posts. He rhymed off all the names as a badge of

honour in respect of Sinn Féin's approach to that matter. He told us that they had all been appointed as ex-prisoners, confirming, of course, to many of us that what we know of this whole exercise — the McArdle and Kavanagh appointments and all those appointments — were indeed the rewarding of terrorism and of active service in the IRA. The pride that they take in it, of course, confirms a point I made earlier: even yet, they refuse to recognise that any of that involved criminality at all.

Mr McGuinness told us that Mr Kavanagh was not the first ex-prisoner appointed as a special adviser. True, but he will be the last if the Bill goes through. That will be comfort to victims who have had their rights and voices trampled on and ignored and have been put through the mill again and again for the self-gratification of Sinn Féin to promote those whom they were rewarding in that respect. Therefore, I say to the House that the Bill is about making sure that we put the brakes on the rewarding of violence. That is not a backward step; that is a forward step. That is not a vindictive step; that is a just step. The Bill is to make sure that that happens.

I will comment on the utter disingenuousness of the Sinn Féin position in the House on the Bill and the capricious attitude that it took to the SDLP amendments just two weeks ago tonight. About this time two weeks ago, we were voting on a series of amendments at Further Consideration Stage. Amendment No 2 came from the SDLP, and it was to exempt sitting SpAds from the ambit of the Bill to deal with what it described as the retrospectivity of the Bill, something about which Sinn Féin today complained very loudly, because, as a consequence of it, the multiple murderer Mr Kavanagh will lose his job. It complained and was most exercised about it, but, two weeks ago tonight, it voted against the SDLP amendment. What was that about? It was about the attempt of Sinn Féin ever to wallow in victimhood and ever to want to be the downtrodden victim. So, rather than help the SDLP, in its terms, to improve the Bill, it trooped through the Lobbies to vote against the very thing that it complained most loudly about today. The disingenuousness and capriciousness of the Sinn Féin position are quite staggering.

I said it this morning, and I say it again: the Bill is an opportunity for the House to set its moral compass in a way that respects and deals with victims' issues, not in an all-pervasive way — the Bill can deal only with its own subject matter — but in a way that shows respect to victims and says that they matter and their views

matter and puts it into statute that their views must be taken into account when critical decisions pertaining to them are being made. Therefore, the Bill is an opportunity to take a significant step in support of victims rather than victim makers. Heretofore, the tide has been about promoting, protecting and guarding the prisoner elite who were the victim makers. The Bill is about stemming that tide and saying to honest, decent people who are the victims of the victim makers that the House has heard, the House has listened and the House will act in defence of victims. That is why I recommend Ann's law to the House tonight.

That the Civil Service (Special Advisers) Bill [NIA 12/11-15] do now pass.

Adjourned at 8.23 pm.

Question put.

The Assembly divided:

Ayes 56; Noes 28.

AYES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Ayes: Mr Allister and Mr McNarry

NOES

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

Tellers for the Noes: Mr McKay and Mr Sheehan

Question accordingly agreed to.

Resolved:



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